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MATT BLUNT

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MISSOURI REGISTER



October 15, 2003

Vol. 28 No. 20 Pages 1749–1886

IN THIS ISSUE:

Statement of Ownership, Management, and Circulation 1753

EMERGENCY RULES

Department of Social Services

Division of Medical Services 1755

Department of Health and Senior Services

Division of Senior Services 1755

Division of Health Standards and Licensure 1756

EXECUTIVE ORDERS

PROPOSED RULES

Department of Agriculture

Missouri Agriculture and Small Business Development Authority 1762

Department of Economic Development

Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects 1762

Missouri State Committee of Interpreters 1769

Missouri Real Estate Commission 1770

Department of Elementary and Secondary Education

Teacher Quality and Urban Education 1771

Vocational Rehabilitation 1800

Department of Mental Health

Division of Mental Retardation and Developmental Disabilities 1805

Department of Public Safety

Missouri State Highway Patrol 1819

Peace Officer Standards and Training Program 1823

Department of Social Services

Division of Medical Services 1824

Department of Health and Senior Services

Office of the Director 1826

Division of Senior Services 1837
Division of Health Standards and Licensure 1837

ORDERS OF RULEMAKING

Office of Administration

Administrative Hearing Commission 1841

Department of Conservation

Conservation Commission 1841

Department of Transportation

Missouri Highways and Transportation Commission 1843

Department of Natural Resources

Public Drinking Water Program 1846

Department of Revenue

Director of Revenue 1857

Department of Health and Senior Services

Missouri Health Facilities Review Committee 1857

IN ADDITIONS

Department of Natural Resources

Public Drinking Water Program 1859

Department of Health and Senior Services

Missouri Health Facilities Review Committee 1859

Schedule of Compensation

. 1861

DISSOLUTIONS

SOURCE GUIDES

RULE CHANGES SINCE UPDATE 1866

EMERGENCY RULES IN EFFECT 1874

EXECUTIVE ORDERS 1877

REGISTER INDEX 1878

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
July 1, 2003	August 1, 2003	August 31, 2003	September 30, 2003
July 15, 2003	August 15, 2003	August 31, 2003	September 30, 2003
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September 15, 2003	October 15, 2003	October 31, 2003	November 30, 2003
October 1, 2003	November 3, 2003	November 30, 2003	December 30, 2003
October 15, 2003	November 17, 2003	November 30, 2003	December 30, 2003
November 3, 2003	December 1, 2003	December 31, 2003	January 30, 2004
November 17, 2003	December 15, 2003	December 31, 2003	January 30, 2004
December 1, 2003	January 2, 2004	January 30, 2004	February 29, 2004
December 15, 2003	January 15, 2004	January 30, 2004	February 29, 2004
January 2, 2004	February 2, 2004	February 29, 2004	March 30, 2004
January 15, 2004	February 17, 2004	February 29, 2004	March 30, 2004
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February 17, 2004	March 15, 2004	March 31, 2004	April 30, 2004

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

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Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the Missouri Register as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

PURPOSE: This emergency amendment adds section (11). This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2004 at five and twenty-three hundredths percent (5.23%).

EMERGENCY STATEMENT: The Division of Medical Services finds that this emergency amendment is necessary to preserve a compelling governmental interest of providing health care to individuals eligible for the Medicaid program. An early effective date is required in that the emergency amendment made adjustments to the Federal Reimbursement Allowance for SFY 2004 to ensure access to hospital services for indigent and Medicaid recipients at hospitals which have relied on Medicaid payments in meeting those needs. The Division of Medical Services also finds an immediate danger to public health and welfare which requires emergency actions. If this emergency amendment is not enacted, it will cause significant cash flow shortages and financial strain on all hospitals which serve more than nine hundred thousand (900,000) Medicaid recipients. This will, in turn, result in an adverse impact on the health and welfare of those in need of medical care and treatment. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. This emergency amendment limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The Division of Medical Services believes this emergency amendment to be fair to all interested parties under the circumstances. This emergency amendment was filed September 8, 2003, effective September 18, 2003, and expires March 15, 2004.

(11) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2004. The FRA assessment for State Fiscal Year (SFY) 2004 shall be determined at the rate of five and twenty-three hundredths percent (5.23%) of the hospital's total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health and Senior Services, Section of Health Statistics. The base financial data for 2000 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030, Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

AUTHORITY: sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed April 29, 2003, effective May 9, 2003, terminated Sept. 18, 2003. Amended: Filed April 29, 2003. Emergency amendment filed Sept. 8, 2003, effective Sept. 18, 2003, expires March 15, 2004.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

ORDER TERMINATING EMERGENCY AMENDMENT

By the authority vested in the director of the Division of Medical Services under sections 208.201, 208.453 and 208.455, RSMo 2000, the director hereby terminates an emergency amendment effective September 18, 2003, as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) is terminated.

A notice of emergency rulemaking containing the text of the emergency amendment was published in the Missouri Register on June 2, 2003 (28 MoReg 1023).

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

EMERGENCY AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA).
The division is adding section (11).

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 15—Division of Senior Services
Chapter 4—Older Americans Act**

EMERGENCY AMENDMENT

19 CSR 15-4.060 State Long-Term Care Ombudsman Program.
The department proposes to amend section (1).

PURPOSE: This amendment sets forth the procedures for notification of the state ombudsman if the regional coordinator or volunteer determines that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, in accordance with S.B. 556.

EMERGENCY STATEMENT: In 2003 the Missouri General Assembly passed House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311. This legislation embodies major revisions and changes related to long-term care effective August 28, 2003. New regulations governing notification of the state ombudsman in situations where the nursing home administrator is not willing to work with the regional ombudsman program to resolve complaints were mandated by the new legislation. The "Office of State Ombudsman for Long-Term Care Facility Residents" was created by statute for the purpose of helping to assure the adequacy of care received by residents of long-term care facilities and to improve the residents' quality of life. One of the Office's duties is to receive, process, respond to, and resolve complaints made by or on behalf of residents of long-term care facilities relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect the health, safety, welfare or rights of residents. When situations arise where a nursing home administrator is not willing to work with the regional ombudsman program to resolve complaints, the health, safety, welfare and/or rights of residents at the facility may be jeopardized, necessitating notification of the state ombudsman program. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 12, 2003, effective September 22, 2003 and expires March 19, 2004.

(1) The statewide long-term care [(LTC)] ombudsman program (LTCOP) consists of the state office, regional offices and volunteers. The regional programs are housed in or subcontracted by the designated Area Agencies on Aging. The LTCOP—

(A) Identifies, /investigates and resolves complaints made by or [for older persons] on behalf of residents in long-term care (LTC) facilities [about administrative actions that] relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect [their] the health, safety, welfare or rights of such residents[;]. If regional LTCOP coordinators, staff or volunteers determine that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the regional LTCOP coordinator, staff or volunteer shall notify the state ombudsman in writing.

1. The state ombudsman, or his/her designee, may facilitate a meeting with the nursing home administrator, and the regional LTCOP coordinator, staff and/or volunteer. If deemed appropriate, the state ombudsman or his/her designee may notify the nursing facility's corporate staff (if applicable) of the meeting and its results.

2. The regional LTCOP coordinator or staff or the LTCOP state office staff may contact the section for long-term care (SLTC). The LTCOP state office staff will monitor cases where

the nursing home administrator is unwilling to work with the LTCOP and monitor the involvement and/or investigation conducted by SLTC;

(C) Provides information to public agencies about the problems of [older individuals] residents in LTC facilities;

(D) Trains LTCOP staff and volunteers and promotes and assists in the development of citizen organizations [to participate in the ombudsman program];

(E) Implements additional activities, as appropriate, that enhance the [LTC ombudsman program] LTCOP and are consistent with federal and state requirements and guidelines;

(F) Develops procedures to assure that representatives of the [LTC ombudsman program] LTCOP are given appropriate access to LTC facilities, appropriate private access to residents and appropriate access to the residents' personal and medical records; and

AUTHORITY: sections 660.050, RSMo [1986] 2000 and 660.603, RSMo Supp. 2003. This rule was previously filed as 13 CSR 15-6.065 and 13 CSR 15-4.060. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.060, effective Aug. 28, 2001. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 82—General Licensure Requirements

EMERGENCY RULE

19 CSR 30-82.015 Long-Term Care Receiverships

PURPOSE: This rule establishes guidelines for the determination of qualified receivers, maintenance of the list of receivers, and the selection and removal of receivers.

EMERGENCY STATEMENT: In 2003 the Missouri General Assembly passed House Committee Substitute for Senate Substitute for Senate Substitute for Senate Bills Nos. 556 and 311. This legislation embodies major revisions and changes related to long-term care effective August 28, 2003. This legislation requires the Department of Health and Senior Services to promulgate rules to establish guidelines for the determination of qualified receivers, procedures for maintaining the list of qualified receivers, and the selection or removal of such receivers. When the court receives a petition for appointment of a receiver for a facility, it appoints a receiver if it finds that any of the following conditions exist:

1. The operator is operating without a license;
2. The Department of Health and Senior Services (DHSS) has revoked the license of an operator or refused to grant an application for a license to the operator;
3. The DHSS has initiated revocation procedures and has determined that the lives, health, safety, or welfare of the residents cannot be adequately assured pending a full hearing on license revocation;
4. The facility is closing or intends to close and adequate arrangements for relocation of residents have not been made at least thirty (30) days prior to closure;
5. An emergency exists in the facility;
6. The operator is insolvent; or
7. An owner of the land or structure is insolvent and such insolvency substantially affects the operation of the facility; and if it finds that appointment of a receiver will contribute to the continuity of care or the orderly and safe transfer of residents in the facility. A court also has the authority to appoint an emergency receivership if the

court determines that there is probable cause to believe that an emergency exists in the facility. To ensure that the health, safety, welfare and rights of residents in a facility in receivership are protected, it is necessary to have rules regarding the determination of who is qualified to act as a receiver and the selection and removal of receivers. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed September 12, 2003, effective September 22, 2003 and expires March 19, 2004.

(1) A person requesting to act as a receiver shall submit a completed application to the department. The application shall include the following information:

(A) Full name of the receiver, date of birth and Social Security number;

(B) Information that establishes the receiver has the necessary experience to operate a long-term care facility or the ability to contract with another party for the operation of a facility; and

(C) Information that establishes the receiver has the financial capacity to operate a long-term care facility as a receiver in compliance with state laws and regulations.

(2) Based on the information submitted in the application, if the applicant has the necessary experience to operate a long-term care facility or the ability to contract with another party for the operation of a facility and the financial capacity to operate a facility, and the applicant does not have any disqualifying characteristics, the applicant will be approved to be a receiver. Disqualifying characteristics are defined as:

(A) The applicant has been convicted of a felony offense in any state or federal court arising out of conduct involving the operation or management of a long-term care facility or other health care facility or the provision or receipt of health care;

(B) The applicant has ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident of a long-term care facility, while acting in a management capacity; or

(C) The applicant is under exclusion from participation in the Title XVIII (Medicare) or Title XIX (Medicaid) program of any state or territory.

(3) Once a completed application is received and approved, the person will be placed on the list of qualified receivers. Receivers will be placed on the list in the order their completed application was received. If two (2) or more completed applications are received on the same day, and any two (2) or more are approved, they will be placed on the list of qualified receivers in alphabetical order according to the receivers' last names.

(4) If any of the information in an application changes, or if a qualified receiver has any change of status, including a change in disqualifying characteristics, that could affect his/her ability to serve as a receiver, he/she must notify the department in writing within ten (10) working days. Given the additional information, the department will make a determination as to whether the receiver remains qualified to act as a receiver. If the receiver is no longer qualified, his/her name will be removed from the list of qualified receivers. The department will notify the receiver in writing of the removal.

(5) If the department otherwise becomes aware of a change in any information in the application or a change in status of a qualified receiver that affects the receiver's ability to serve as a receiver, the department may remove the receiver from the list of qualified receivers. The department will notify the receiver in writing of the removal.

(6) If a receiver no longer wishes to be included on the list of qualified receivers, the receiver shall notify the department in writing of his/her desire to be removed from the list and the effective date of the removal.

AUTHORITY: sections 198.105, RSMo Supp. 2003 and 198.009, RSMo 2000. Emergency rule filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
Division 30—Division of Health Standards and Licensure
Chapter 82—General Licensure Requirements

EMERGENCY RULE

19 CSR 30-82.080 Nursing Facility Quality of Care Improvement Program

PURPOSE: This rule explains the requirements for receiving funding from the Nursing Facility Quality of Care (NFQC) Fund to improve the quality of service the facility provides to its residents.

EMERGENCY STATEMENT: In 2003 the Missouri General Assembly passed House Committee Substitute for Senate Substitute for Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 556 and 311. This legislation embodies major revisions and changes related to long-term care effective August 28, 2003. This legislation requires that fifty percent (50%) of the civil penalties collected due to violation(s) of standards be deposited in the nursing facility quality of care fund to be used for a program to assist qualified nursing facilities to improve the quality of service to their residents. This legislation also requires the Department of Health and Senior Services to promulgate rules to define qualified facilities and establish procedures for the selection of qualified facilities. Funds cannot be made available to facilities to improve their services until a definition of qualified facility is established. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed September 12, 2003, effective September 22, 2003 and expires March 19, 2004.

(1) Definitions.

(A) Qualified Facility—Any facility licensed pursuant to Chapter 198, RSMo, that has received a Class I or Uncorrected Class II Notice of Noncompliance within the past twelve (12) months in one (1) of the following areas:

1. For Residential Care Facility I (RCF I) and Residential Care Facility II (RCF II):

A. Administrative, Personnel and Resident Care (19 CSR 30-86.042);

B. Dietary (19 CSR 30-86.052); or

C. Resident Rights (19 CSR 30-88.010);

2. For Skilled Nursing Facility (SNF) and Intermediate Care Facility (ICF):

- A. Administration and Resident Care (19 CSR 30-85.042);
- B. Dietary (19 CSR 30-85.052); or
- C. Resident Rights (19 CSR 30-88.010).

(B) Quality Improvement Project for Missouri (QIPMO) consultation—Provides technical assistance and support to nursing facility staff throughout the state in order to improve the quality of care in nursing facilities using the Minimum Data Set (MDS) and on-site clinical consultation.

(2) Selection of Qualified Facilities.

(A) Qualified facilities may submit a written request to the department for funds from the Nursing Facility Quality of Care (NFQC) Fund to pay for QIPMO assistance and support. The department will provide a written response to the qualified facility's request approving or disapproving the use of NFQC funding for QIPMO assistance. In the absence of extraordinary circumstances, a qualified facility shall receive no more than one thousand dollars (\$1,000) per request. A qualified facility which wishes to receive more than one thousand dollars (\$1,000) per request must separately justify reimbursement in excess of one thousand dollars (\$1,000) by setting forth the extraordinary circumstances justifying reimbursement in excess of one thousand dollars (\$1,000). The department may, in its sole discretion, approve reimbursement in excess of one thousand dollars (\$1,000).

(B) Qualified facilities may also submit to the department proposals describing implementation of a quality improvement program, in lieu of the QIPMO Program. Such proposals shall address areas of noncompliance that have been cited in the notice of noncompliance issued in the past twelve (12) months. Upon approval of the proposal by the department, the department may use funds in the NFQC Fund that have been collected from state civil money penalties to fund the qualified facility's proposal. In the absence of extraordinary circumstances, a qualified facility shall receive no more than one thousand dollars (\$1,000) per proposal. A qualified facility which wishes to receive more than one thousand dollars (\$1,000) per proposal must separately justify reimbursement in excess of one thousand dollars (\$1,000) by setting forth the extraordinary circumstances justifying reimbursement in excess of one thousand dollars (\$1,000). The department may, in its sole discretion, approve reimbursement in excess of one thousand dollars (\$1,000).

(C) The department may impose upon a qualified facility a directed plan of correction, as set forth in section 198.066, RSMo, which includes QIPMO consultation. Funding for the QIPMO consultation may be taken from the NFQC Fund, not to exceed one thousand dollars (\$1,000), unless the department, in its sole discretion, determines reimbursement in excess of one thousand dollars (\$1,000) is justified by extraordinary circumstances.

(3) The qualified facility will submit to the department the paid invoice(s) for the QIPMO consultation or other quality improvement program. The department will reimburse the qualified facility for the amount granted.

AUTHORITY: section 198.067.6, RSMo Supp. 2003. Emergency rule filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
Division 30—Division of Health Standards and Licensure
Chapter 83—Definition of Terms

EMERGENCY AMENDMENT

19 CSR 30-83.010 Definition of Terms. The department proposes to amend definition (24) and add new definition (32).

PURPOSE: This amendment revises the definition of protective oversight and adds a definition for voluntary leave, as included in S.B. 534.

EMERGENCY STATEMENT: In 2003 the Missouri General Assembly passed Senate Bill No. 534. This legislation defined the terms protective oversight and voluntary leave as they apply to long-term care facilities. These definitions were effective August 28, 2003. A change to the rule definition for protective oversight and the addition of a rule definition for voluntary leave are necessary to ensure consistency of regulatory and statutory definitions in order to avoid confusion. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 12, 2003, effective September 22, 2003 and expires March 19, 2004.

(24) Protective oversight—Shall mean *[having continuous]* an awareness **twenty-four (24) hours a day of the location** of a resident/*'s whereabouts*, the ability to intervene *[if a crisis arises for]* on behalf of the resident, supervision of nutrition, or medication, or actual provisions of care and *[a twenty-four (24)-hour]* the responsibility for the welfare of the resident, except where the resident is on voluntary leave.

(32) Voluntary leave—Shall mean an off-premises leave initiated by: a) a resident that has not been declared mentally incompetent or incapacitated by a court; or b) a legal guardian of a resident that has been declared mentally incompetent or incapacitated by a court.

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.009, RSMo [1986] 2000. Emergency rule filed Sept. 7, 1979, effective Sept. 28, 1979, expired Jan. 24, 1980. This rule originally filed as 13 CSR 15-11.010. Original rule filed Sept. 7, 1979, effective Jan. 12, 1980. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

Division 30—Division of Health Standards and Licensure
Chapter 85—Intermediate Care and Skilled Nursing Facility

EMERGENCY AMENDMENT

19 CSR 30-85.042 Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities. The department proposes to amend section (66).

PURPOSE: This amendment identifies the minimum voluntary leave procedures that a nursing facility must have in place, as included in S.B. 534.

EMERGENCY STATEMENT: In 2003 the Missouri General Assembly passed Senate Bill No. 534. This legislation defined the terms protective oversight and voluntary leave as they apply to long-term care facilities. These definitions were effective August 28, 2003. New regulations identifying the minimum procedures a long-term care facility must have in place to properly implement voluntary leave are necessary to protect the health, safety and welfare of residents at long-term care facilities. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 12, 2003, effective September 22, 2003 and expires March 19, 2004.

(66) Each resident shall receive twenty-four (24)-hour protective oversight and supervision. For residents departing the premises on voluntary leave, the facility shall have, at a minimum, a procedure to ensure that the resident or the resident's guardian notifies the facility of the resident's departure, that the resident or the resident's guardian notifies the facility of the resident's estimated length of absence from the facility, and that the resident or the resident's guardian notifies the facility of the resident's whereabouts while on voluntary leave. I/II

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.079, RSMo [1994] 2000. This rule originally filed as 13 CSR 15-14.042. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

the *Missouri and United States Constitutions*. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed September 12, 2003, effective September 22, 2003 and expires March 19, 2004.

(35) Protective oversight shall be provided twenty-four (24) hours a day. For residents departing the premises on voluntary leave, the facility shall have, at a minimum, a procedure to ensure that the resident or the resident's guardian notifies the facility of the resident's departure, that the resident or the resident's guardian notifies the facility of the resident's estimated length of absence from the facility, and that the resident or the resident's guardian notifies the facility of the resident's whereabouts while on voluntary leave. I/II

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.076, RSMo [1994] 2000. This rule originally filed as 13 CSR 15-15.042. Original rule filed July 13, 1983, effective Oct. 13, 1983. Emergency amendment filed Aug. 1, 1984, effective Aug. 13, 1984, expired Dec. 10, 1984. Amended: Filed Sept. 12, 1984, effective Dec. 13, 1984. Amended: Filed March 14, 1985, effective June 13, 1985. Amended: Filed May 13, 1987, effective Aug. 13, 1987. Amended: Filed April 17, 1990, effective June 30, 1990. Amended: Filed Feb. 13, 1998, effective Sept. 30, 1998. Moved to 19 CSR 30-86.042, effective Aug. 28, 2001. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 86—Residential Care Facilities I and II

EMERGENCY AMENDMENT

19 CSR 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities I and II. The department proposes to amend section (35).

PURPOSE: This amendment identifies the minimum voluntary leave procedures that a residential care facility must have in place, as included in S.B. 534.

EMERGENCY STATEMENT: In 2003 the Missouri General Assembly passed Senate Bill No. 534. This legislation defined the terms protective oversight and voluntary leave as they apply to long-term care facilities. These definitions were effective August 28, 2003. New regulations identifying the minimum procedures a long-term care facility must have in place to properly implement voluntary leave are necessary to protect the health, safety and welfare of residents at long-term care facilities. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety and welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2002.

EXECUTIVE ORDER 03-16

WHEREAS, on February 6, 2003, the director of the Missouri Department of Insurance issued the report "Medical Malpractice in Missouri: The Current Difficulties in Perspective;" and

WHEREAS, past proposals to deal with medical malpractice insurance crises have focused almost exclusively on tort reform and insurance industry reform; and

WHEREAS, it is equally appropriate to focus on problems such as inadequate provider/patient communications, improper clinical and administrative procedures, and preventable medical errors, which taken together, are the cause of many medical malpractice claims; and

WHEREAS, it is important to strike a balance between public accountability for the quality of health care and the need for health care providers to learn from medical errors.

NOW, THEREFORE, I, Bob Holden, Governor of the State of Missouri, by virtue of the authority vested in me by the Constitution and the Laws of the State of Missouri, do hereby establish the Missouri Commission on Patient Safety, the composition of which shall be as follows:

The directors of the Department of Insurance and the Department of Health and Senior Services; the executive director of the State Board of Registration for the Healing Arts; 16 persons appointed by the Governor from a variety of professions and perspectives including, but not limited to, physicians, osteopathic physicians, pharmacists, nurses, hospital administrators and staff, risk managers, long-term care administrators and staff, medical educators, patient care review specialists, patient safety and quality improvement professionals, and health care consumers; and such other members as the Governor may from time-to-time appoint. The Governor will designate one member of the commission as chairperson and one member as vice-chairperson.

The purpose of the commission shall be to study and recommend legislative, administrative, clinical, behavioral, and technological measures to improve medical outcomes, prevent errors, upgrade health-care delivery systems, and improve education of medical providers and patients, all with a goal of reducing the incidence of preventable medical errors and reducing the number of medical malpractice claims.

The commission is assigned to the Missouri Department of Insurance for administrative purposes. Members of the commission shall serve without compensation but may be reimbursed for reasonable and necessary expenses arising from the commission's activities.

The commission will report its recommendations to the Governor by March 1, 2004.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson on this 1st day of October, 2003.

A handwritten signature of Bob Holden in black ink.

Bob Holden
Governor

A handwritten signature of Matt Blunt in black ink.

Matt Blunt
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbol. Any under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business Development Authority
Chapter 6—Single Purpose Animal Facilities Loan Guarantee Program

PROPOSED AMENDMENT

2 CSR 100-6.010 Description of Operation, Definitions, Fee Structures, Applicant Requirements, and Procedures for Making and Collecting Loans and Amending the Rules for the Single Purpose Animal Facilities Loan Guarantee Program. The director is amending sections (1), (2), (4) and (5).

PURPOSE: This amendment changes loan guarantee amount from twenty-five to fifty percent (25%–50%).

(1) General Organization.

(B) The authority will issue certificates of guaranty covering a first loss guarantee up to */twenty-five percent (25%)/ fifty percent (50%)* of the loan on a declining principal basis made by lenders to independent livestock producers to finance livestock production.

(2) Definitions. As used in this rule, the following terms shall mean:

(B) Certificates of guaranty means evidence of obligation of the authority to guarantee up to but no more than */twenty-five percent (25%)/ fifty percent (50%)* of the loan on a declining principal basis made by lenders to independent livestock producers to finance livestock production;

(F) Single-purpose animal facilities loan guarantee fund means a fund established in the state treasury consisting of money appropriated to it by the general assembly, charges, gifts, grants and bequests from federal, private or other sources, to be used to guarantee up to */twenty-five percent (25%)/ fifty percent (50%)* of loans made by lenders to borrowers qualifying for loans through the single-purpose animal facilities loan guarantee program;

(4) Procedure for Making Eligible Loans.

(E) Upon determining that all requirements for the loan guarantee are met, the authority will issue to the lender a certificate of guaranty for up to */twenty-five percent (25%)/ fifty percent (50%)* of any loss of the loan amount on a declining principal basis, and for a period not exceeding ten (10) years.

(5) Procedures for Collecting Loans.

(C) After a lender has foreclosed upon a borrower who has defaulted on a loan made through the program, the authority will reimburse the lender for any loss up to */twenty-five percent (25%)/ fifty percent (50%)* of the principal outstanding.

AUTHORITY: sections *[348.190] 348.195 and 348.210, RSMo Supp. 2003. Original rule filed Feb. 15, 1995, effective July 30, 1995. Amended: Filed Sept. 15, 2003.*

PUBLIC COST: This proposed amendment will cost state agencies and political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Agricultural and Small Business Development Authority, Tony Stafford, Executive Director, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects
Chapter 4—Applications

PROPOSED RESCISSION

4 CSR 30-4.060 Evaluation—Comity Applications—Architects. This rule insured that applications for licensure as architects met the minimum requirements for initial licensure in Missouri.

PURPOSE: This rule is being rescinded and a new rule is being filed in its place which would require all individuals applying for licensure as an architect under section 327.381 to first obtain an NCARB certificate and file.

AUTHORITY: sections 327.041 and 327.381, RSMo Supp 2001. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Dec. 9, 2002, effective June 30, 2003. Rescinded: Filed Sept. 8, 2003.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects

Chapter 4—Applications

PROPOSED RULE

4 CSR 30-4.060 Evaluation—Comity Applications—Architects

PURPOSE: This rule requires all individuals applying for licensure as an architect under section 327.381, RSMo to first obtain an NCARB certificate and file.

(1) Individuals applying for licensure as an architect under section 327.381, RSMo who were originally licensed in another state, territory or possession of the United States or in another country shall be required to first obtain a National Council of Architectural Registration Board (NCARB) certificate and file.

(2) The board shall only consider comity licensure applications when accompanied by an NCARB file.

AUTHORITY: section 327.041, 327.131 and 327.381, RSMo Supp. 2002. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Dec. 9, 2002, effective June 30, 2003. Rescinded and readopted: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities an estimated six thousand five hundred dollars (\$6,500) annually for the life of the rule. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects****Chapter 4 - Applications****Proposed Rule - 4 CSR 30-4.060 Evaluation - Comity Applications - Architects**

Prepared June 5, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
25	NCARB Council Certificate (\$260)	\$6,500.00
	Estimated Annual Cost of Compliance for the Life of the Rule	\$6,500.00

III. WORKSHEET

1. The board annually licenses an average of 175 architects by comity. Of those 175, only 25 will not have a NCLARB Council Record. In order for applicants to meet the requirements of the rule, applicants will need to obtain a NCARB Council Record at a cost of \$260 per applicant.

IV. ASSUMPTION

1. The above figures were based on FY03 actuals. The board anticipates 25 applicants per year will be required to obtain a NCARB Council Record.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**
Chapter 4—Applications

PROPOSED AMENDMENT

**4 CSR 30-4.090 Evaluation—Comity Applications—Landscape
Architects.** The board is proposing to delete section (2) and renumber the remaining section accordingly.

PURPOSE: Since the board is no longer administering the Missouri Plant Materials examination, this rule is being amended to delete section (2), which makes reference to the Missouri Plant Materials examination.

[(2) Landscape architect applicants for comity are required to take and pass the Missouri Plant Materials exam, unless the board determines that they have passed a plant materials exam administered by another state that is deemed substantially similar to Missouri's.]

[(3)] (2) Applications shall be typewritten on forms provided by the board and shall be accompanied by the required fee.

AUTHORITY: sections 327.041 and 327.623, RSMo Supp. [2001] 2002. Original rule filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will save private entities an estimated three hundred dollars (\$300) annually for the life of the rule. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost savings, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects****Chapter 4 - Applications****Proposed Rule - 4 CSR 30-4.090 Evaluation - Comity Applications - Landscape Architects**

Prepared June 5, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
3	Applicants (\$100 cost savings - Missouri Plant Materials Examination)	\$300.00
	Estimated Annual Cost Savings for the Life of the Rule	\$300.00

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures were based on FY03 actuals.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 5—Examinations

PROPOSED AMENDMENT

4 CSR 30-5.140 CLARB Examinations—Landscape Architects. The board is proposing to delete section (2).

PURPOSE: The board no longer administers the Missouri Plant Materials examination; therefore this rule is being amended to delete section (2), which makes reference to the Missouri Plant Materials examination.

[(2) All applicants taking a national examination prescribed by the board may also be required, at the discretion of the landscape architect division, to take and pass an examination, which demonstrates the applicant's knowledge of plant materials, native and adapted, to Missouri.]

AUTHORITY: sections 327.041 and 327.612, RSMo Supp. [2001] 2002. Original rule filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**

Chapter 5—Examinations

PROPOSED AMENDMENT

**4 CSR 30-5.150 Standards for Admission to Examination—
Landscape Architects.** The board is proposing to amend section (1).

PURPOSE: The board no longer administers the Missouri Plant Materials examination; therefore, this rule is being amended to delete the reference to the Missouri Plant Materials examination.

(1) A Missouri applicant shall have a degree in landscape architecture from an accredited school of landscape architecture and have acquired at least three (3) years[.]; satisfactory landscape architectural experience after acquiring that degree to qualify for the Council of Landscape Architectural Registration Boards' (CLARB) Landscape Architect Registration Examination (LARE), or its successor [*and the landscape architect division's plant material examination*].

AUTHORITY: sections 327.041 and 327.612, RSMo Supp. [2001] 2002. Original rule filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will save private entities an estimated nine hundred dollars (\$900) annually for the life of the rule. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 4 -Department of Economic Development****Division: 30 - Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects****Chapter 4 - Applications****Proposed Amendment - 4 CSR 30-5.150 Standards for Admission to Examination - Landscape Architects**

Prepared June 5, 2003 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
9	Applicants (\$100 cost savings - Missouri Plant Materials Examination)	\$900.00
	Estimated Annual Cost Savings for the Life of the Rule	\$900.00

III. WORKSHEET

1. See table above.

IV. ASSUMPTION

1. The above figures were based on FY01, FY02 and FY03 actuals.
2. It is anticipated that the total cost savings will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**
Chapter 6—Fees

PROPOSED AMENDMENT

4 CSR 30-6.015 Application, Renewal, Reinstatement, Reregistration and Miscellaneous Fees. The board is proposing to delete subsection (1)(J) and renumber the remaining subsections accordingly.

PURPOSE: Since the board no longer administers the Missouri Plant Materials examination, this rule is being amended to delete subsection (1)(J), which is the fee for the Missouri Plant Materials Examination, and to then reletter the remaining subsections.

(1) The following fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:

<i>/(J)</i> Missouri Plant Material Examination	\$ 100]
<i>/(K)</i> Application Filing Fee	\$200
<i>/(L)</i> Engineer Intern Application Filing Fee	\$ 10
<i>/(M)</i> Land Surveyor-in-Training Application Filing Fee	\$ 10
<i>/(N)</i> Individual Renewal Fee	\$100
<i>/(O)</i> Individual Reactivation Fee	\$100
<i>/(P)</i> Individual Reinstatement Fee	\$150
<i>/(Q)</i> Individual Relicensure Fee	\$200
<i>/(R)</i> Corporate Application Fee	\$300
<i>/(S)</i> Corporate Renewal Fee	\$200
<i>/(T)</i> Corporate Reinstatement Fee	\$250
<i>/(U)</i> Corporate Reauthorization Fee	\$300
<i>/(V)</i> Certification Fee	\$ 10
<i>/(W)</i> Duplicate Certificate License Fee	\$ 10
<i>/(X)</i> Architectural Routing Fee	\$ 25
<i>/(Y)</i> Insufficient Funds Check Charge	\$ 25
<i>/(Z)</i> Evaluation of Non-Accredited Engineering Degrees	\$300

AUTHORITY: section 327.041, RSMo Supp. [2001] 2002. Emergency rule filed Aug. 12, 1981, effective Aug. 22, 1981, expired Dec. 10, 1981. Original rule filed Aug. 12, 1981, effective Nov. 12, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 30—Missouri Board for Architects, Professional
Engineers, Professional Land Surveyors, and Landscape
Architects**
Chapter 6—Fees

PROPOSED AMENDMENT

4 CSR 30-6.020 Reexamination Fees. The board is proposing to delete subsection (1)(G).

PURPOSE: Since the board no longer administers the Missouri Plant Materials examination, this rule is being amended to delete subsection (1)(G), which is the reexamination fee for the Missouri Plant Materials Examination.

(1) The following reexamination/rescheduling application filing fees are established by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects:
/(G) Landscape Architect Missouri Plant Material \$ 75]

AUTHORITY: section 327.041, RSMo Supp. [2001] 2002. Original rule filed March 16, 1970, effective April 16, 1970. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects, PO Box 184, Jefferson City, MO 65102, by faxing to (573) 751-8046, or e-mailing to moapels@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 232—Missouri State Committee of Interpreters
Chapter 3—Ethical Rules of Conduct

PROPOSED AMENDMENT

4 CSR 232-3.010 General Principles. The committee is proposing to amend section (19).

PURPOSE: This amendment requires an interpreter to respond in writing to the committee's inquiry within thirty (30) days.

(19) Within the limits of the law, and after receiving written consumer consent, an interpreter *[shall]* must respond *[to all requests for information and correspondence]* in writing, within thirty (30) days from the date of a written request or inquiry from the committee, mailed to the interpreter's address currently registered with the committee.

AUTHORITY: section 209.328.1, RSMo 2000 and 209.334, RSMo Supp. 2002. Original rule filed Feb. 18, 1999, effective July 30, 1999. Amended: Filed Dec. 1, 2000, effective May 30, 2001. Amended: Filed Nov. 6, 2002, effective May 30, 2003. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri State Committee of Interpreters, Pamela Groose, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile to (573) 526-3489, or by e-mail at interp@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 3—Applications for License; License Examinations

PROPOSED AMENDMENT

4 CSR 250-3.020 License Examinations. The commission is proposing to delete the annotation immediately following this rule in the *Code of State Regulations*.

PURPOSE: The amendment deletes the annotation immediately following this rule in the *Code of State Regulations*.

AUTHORITY: section 339.120, RSMo [Supp. 1993] 2000. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Sept. 8, 2003.

PUBLIC COST: The cost to state agencies and political subdivisions for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The cost to private entities for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by faxing comments to (573) 751-2777 or via e-mail to realesta@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 8—Business Conduct and Practice

PROPOSED AMENDMENT

4 CSR 250-8.160 Retention of Records. The board is proposing to amend the original purpose statement.

PURPOSE: This amendment brings the purpose statement into conformity with the current regulation.

PURPOSE: This rule mandates that all records relating to each real estate transaction handled by the broker be retained for [five] three

(3) years and the broker make them available for commission inspection at all times.

AUTHORITY: sections 339.120, RSMo 2000 and 339.770, RSMo Supp. [1999] 2002. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed Jan. 14, 2000, effective July 30, 2000. Amended: Filed Sept. 8, 2003.

PUBLIC COST: The cost to state agencies and political subdivisions for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The cost to private entities for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by faxing comments to (573) 751-2777 or via e-mail to realesta@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 250—Missouri Real Estate Commission
Chapter 10—Continuing Education

PROPOSED AMENDMENT

4 CSR 250-10.010 Requirements. The commission is proposing to add a new subsection (2)(D) and renumber the remaining subsections accordingly.

PURPOSE: The amendment expands the continuing education core curriculum choices.

(2) At least three (3) hours of the twelve (12) hours of approved instruction shall consist of one (1) of the following core curriculum courses, each of which shall include thirty (30) minutes of instruction on current laws and regulations:

- (D) Cultural diversity;
- [(D)] (E) Property management; or
- [(E)] (F) Commercial brokerage.

AUTHORITY: sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 8, 2003.

PUBLIC COST: The cost to state agencies and political subdivisions for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The cost to private entities for this proposed amendment is estimated to be less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by faxing comments to (573) 751-2777 or via e-mail to realesta@mail.state.mo.us. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification
PROPOSED AMENDMENT

5 CSR 80-800.200 Application for Certificate of License to Teach. The State Board of Education is amending the Purpose, sections (1), (2), (3), (5), deleting section (6), amending and renumbering sections (7) and (8), renumbering the existing sections and amending the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates the recent legislative changes and updates the certification requirements in the *Compendium of Missouri Certification Requirements*.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a certificate of license to teach where the applicant has a recommendation from a state-approved teacher preparation program or has earned a [Doctor of Philosophy] doctoral degree.

(1) An applicant for a Missouri certificate of license to teach who possesses good moral character and has successfully completed a state-approved teacher preparation program or earned a [Doctor of Philosophy] doctoral degree may be granted an initial Missouri certificate of license to teach in their major area of study subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements (compendium)* which is incorporated by reference and made a part of this rule.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (the board), accompanied by the appropriate fee and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(5) An applicant for a Missouri certificate of license to teach who has successfully completed a state-approved teacher preparation program [and does not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state,] must comply with the following additional criteria:

(B) The applicant must possess a grade point average of 2.5 or higher on a 4.0 scale[, both overall and in the major area of study];

(6) An applicant for a Missouri certificate of license to teach who possesses a valid certificate of license to teach from another state; possesses good moral character; and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a Missouri certificate of license to teach upon completion of the following:

(A) Five (5) years teaching in Missouri public schools; and
(B) Submission of two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(7) In addition to the above criteria, an applicant for a Missouri certificate of license to teach who has successfully obtained certification by the National Board for Professional Teaching Standards (NBPTS) and possesses good moral character may be granted a Missouri certificate of license to teach in their area of NBPTS certification most closely aligned with the current areas of certification approved by the board. The certificate of license to teach will be an initial professional classification /I (PC I) or a career continuous professional classification (CCPC), if the applicant possesses /a master's degree/ four (4) years teaching experience.

(8) An applicant for an initial Missouri certificate of license to teach who has earned a [Doctor of Philosophy] doctoral degree /(Ph.D.)/ from an institution of higher education accredited by a regional accreditation agency including but not limited to North Central Association of Colleges and Schools must comply with the following additional criteria:

(A) The applicant must have completed and provide documentation of a valid [Ph.D.] doctoral degree being conferred; *in their major area of post-graduate study; and*

(B) The applicant must achieve a score equal to or in excess of the qualifying score on the Praxis II assessment, Principals of Learning and Teaching for the specific grade levels as defined in the rules promulgated by the board. The official score report shall be submitted to DESE; and

(C) The applicant may only be granted an initial professional classification /I (PC I) (IPC) level [and/or a PC II level] certificate of license to teach in their major area of study pursuant to the rules promulgated by the board. A CCPC level certificate of license to teach will not be issued.

(9) Additional certificates of license to teach may be granted as follows:

(A) The applicant may take the appropriate content knowledge or specialty area exit assessment(s) for certification and must achieve a score equal to or in excess of the qualifying score on the content knowledge or specialty area exit assessment(s) as defined in the rules promulgated by the board; or

(B) If the board has not designated a content knowledge or specialty area exit assessment(s) for a particular certification area or grade level or the applicant chooses not to take the appropriate content knowledge or specialty area exit assessment(s), the applicant must meet the certification standards for the area of certification as set forth in the compendium.

(10) Following review by DESE, the applicant shall be informed in writing of the decision regarding the application for a certificate of license to teach.

(11) The holder of a certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 168.011, [168.021,] 168.405 and 168.409, RSMo 2000 and 161.092, **168.021**, 168.071, 168.081 and 168.400, RSMo Supp. [2002] 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities three hundred forty-five thousand six hundred ninety dollars (\$345,690) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Urban and Teacher Education
Chapter: 800 – Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.200 Application for Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
10,986 individuals	Out-of-state teachers/administrators and others applying for a Missouri certificate of license to teach and individuals upgrading to a new career continuous professional classification certificate of license to teach	\$345,690 in FY04 with the cost recurring annually over the life of the rule.

III. WORKSHEET

3,882	out-of-state educators x \$25 increase*	\$ 97,050
7,104	upgrade to career continuous professional certificate - \$35 new fee**	\$248,640
		\$345,690

*this is an increase of current fees

** this is a new fee

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states. The new fee for upgrading is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators. The State Board of Education is amending sections (2), (3), subsection (12)(C) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: *This amendment incorporates recent legislative changes and updates the certification requirements in the Compendium of Missouri Certification Requirements.*

(2) Applications for an administrator Missouri certificate of license to teach shall be submitted on the forms provided by the board, **accompanied by the appropriate fee** and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms **and/or fees**. All information should be received by the board within ninety (90) days of the date of the application.

(12) The applicant for an administrator certificate of license to teach as a vocational director must comply with the following additional criteria:

(C) The applicant must possess two (2) years of full-time teaching experience at the level grade seven (7)—adult level, as approved by DESE or two (2) years of full-time experience at grade seven (7) *[through]*—adult level other than teaching.

AUTHORITY: sections 161.092, 168.071, 168.081 and 168.400, RSMo Supp. [2002] 2003 and 168.011, 168.021, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment is estimated to cost private entities five thousand three hundred seventy-five dollars (\$5,375) in the Fiscal Year 2004 with that cost recurring annually over the life of the rule.*

NOTICE TO SUBMIT COMMENTS: *Any one may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Urban and Teacher Education
Chapter: 800 – Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.220 Application for Certificate of License to Teach for Administrators.

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
215 individuals	Out-of-state individuals applying for a Missouri administrators certificate of license to teach	\$5,375 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

215	Out-of-state administrators x \$25 fee increase	\$5,375
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IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification
PROPOSED AMENDMENT

5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach. The State Board of Education is proposing to amend the Purpose, sections (2), (3), (11), (24), subsections (1)(B), (1)(C), (5)(B), (7)(B), (18)(B), (18)(D), the *Compendium of Missouri Certification Requirements* which is incorporated by reference, add subsection (1)(D), new sections (13), and (26), delete section (15) and renumber sections as needed.

PURPOSE: This amendment incorporates recent legislative changes, updates the certification requirements in the *Compendium of Missouri Certification Requirements* and adds the requirements for a new certificate of license to teach as a speech-language pathologist.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and establish requirements and qualifications for those certificates. This rule outlines the procedures for application for a student services certificate of license to teach for counselors, advanced counselors, school psychological examiners, school psychologists, vocational adult education supervisors, post-secondary vocational counselors, vocational placement coordinators, [and] vocational evaluators[,] and speech-language pathologists.

(1) An applicant for a student services certificate of license to teach may be granted in the following areas subject to the specific certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and criteria established in the rules promulgated by the State Board of Education (/the) board), to an individual who possesses good moral character:

(B) School Psychological Services Personnel:

1. School psychological examiner, grades K-12; and/or
2. School psychologist, grades K-12; /and/or/

(C) Vocational Services Personnel:

1. Vocational adult education supervisor;
2. Post-secondary vocational counselor (excluding K-12);
3. Vocational /P/placement coordinator; and/or
4. Vocational evaluator/;/; and/or

(D) Speech-Language Services Personnel:

1. Speech-language pathologist, birth-grade 12.

(2) Applications for a student services Missouri certificate of license to teach shall be submitted on the forms provided by the board, accompanied by the appropriate fee, and may be obtained by writing the Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(5) The applicant for a student services certificate of license to teach as a school counselor or advanced school counselor must comply with the following additional criteria:

(B) The applicant must possess either:

1. A master's or higher degree in school counseling from a state-approved school counselor preparation program; or

2. A master's or higher degree in counseling or counseling psychology, with additional graduate /coursework/ course work specific to school counseling, as designated by the state-approved recommending certification official, including a supervised internship or field experience of at least three hundred (300) hours in an appropriate school setting; and

(7) The applicant for a student services certificate of license to teach as a school psychological examiner must comply with the following additional criteria:

(B) The applicant must possess either:

1. A master's or higher degree from a state-approved school counselor preparation program; or

2. A master's or higher degree in counseling and counseling psychology, or an approved related field; and complete a designated graduate curriculum in the practice of the school psychological examiner, as specified by the recommending certification program, including a supervised internship or field experience in school psychological assessment of at least one hundred and fifty (150) hours in an appropriate school setting.

(11) The applicant for a student services certificate of license to teach as a vocational placement coordinator must comply with the following additional criteria:

(A) The applicant must possess a valid, unencumbered, undisciplined professional license or certificate from Missouri as a counselor; /or/

(B) The applicant must possess a Missouri certificate of license to teach as a counselor; or

(C) The applicant must possess a Missouri vocational-technical certificate of license to teach /as a vocational teacher/.

(13) The applicant for a student services certificate of license to teach as a speech-language pathologist must meet all the additional requirements in one (1) of the following areas:

(A) State Board of Registration for the Healing Arts:

1. The applicant must possess a master's or higher degree from a state-approved program for speech-language pathologists;

2. The applicant must possess a valid, unencumbered, undisciplined Missouri license as a speech-language pathologist from the State Board of Registration for the Healing Arts; and

3. The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principals of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE; or

(B) Teacher Preparation Program:

1. The applicant must possess a master's or higher degree from a state-approved program for speech-language pathologists;

2. The applicant must obtain the recommendation of the designated certification official for a state-approved program for the preparation of a speech-language pathologist; and

3. The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principals of learning and teaching, as defined in the rules promulgated by the board. An official score report shall be submitted to DESE.

/(13)/ (14) Additional certificates of license to teach may be granted pursuant to rules promulgated by the board.

/(14)/ (15) An applicant for a Missouri student services certificate of license to teach who possesses a valid certificate of license to teach from another state closely aligned to a current certification area approved by the board; possesses good moral character /but does not possess five (5) years teaching experience in the same school district in the curriculum area and approximate grade

levels in another state] may be granted a Missouri certificate of license to teach.

(A) The applicant must achieve a score equal to or in excess of the qualifying score on the exit assessment(s), not to include the principles of learning and teaching, as defined in the rules promulgated by the board. The official score report shall be submitted to DESE.

(B) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to DESE, including information regarding any disciplinary action.

(C) The applicant shall submit two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.

/(15) An Applicant for a Missouri student services certificate of license to teach who possess a valid certificate of license to teach from another state, possesses good moral character and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state may be granted a Missouri student services certificate of license to teach upon completion of the following:

(A) Five (5) years teaching experience in Missouri public schools; and

(B) Submission of two (2) full sets of fingerprints on cards provided by the board.

1. The applicant is responsible for the payment of any fees required by the Missouri Highway Patrol and/or FBI.

2. For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to DESE.]

(18) A student services certificate of license to teach may be issued for an advanced school counselor for a period of ten (10) years and may be renewed an unlimited number of times. The requirements for renewal are as follows:

(B) Verification of two (2) years experience as a school counselor in a school setting;

(D) Submission of an official transcript showing six (6) semester hours appropriate to counselors from a state-approved college or university; *(appropriate to school counselors)* or documentation verifying ninety (90) clock hours of professional workshops/in-services appropriate for school counselors.

(24) A nonrenewable student services certificate of license to teach may be issued for a **vocational** placement coordinator for a period of five (5) years. A ten (10)-year student services certificate of license to teach as a **vocational** placement coordinator may be issued and renewed an unlimited number of times by the individual meeting the criteria for the five (5)-year certificate and the following additional criteria:

(B) Possession of two (2) years out of the previous five (5) years experience as a **vocational** placement coordinator;

(26) A student services certificate of license to teach may be issued for a speech-language pathologist for a period of five (5) years and may be renewed an unlimited number of times by the individual meeting all the following criteria in one (1) of the following areas:

(A) State Board of Registration for the Healing Arts:

1. Written request for renewal; and

2. Verification of a valid, unencumbered and undisciplined Missouri license as a speech-language pathologist from the Missouri Board of Registration for the Healing Arts; or

(B) Teacher Preparation Program:

1. Written request for renewal;

2. Verification by the employing school district that the certificate holder has completed fifteen (15) contact hours of professional development per year:

A. Individuals who do not complete fifteen (15) contact hours of professional development each year, may within two (2) years make up the missing hours. The individual must first meet the fifteen (15) hour requirement for the current year and then count the excess hours as make up hours;

B. A student services certificate of license to teach becomes inactive if the individual does not make up the requisite hours within two (2) years; and/or

C. A student services certificate of license to teach may be reactivated by the individual completing twenty-four (24) contact hours of professional development within six (6) months prior to or after the reactivation of the certificate. Failure of the individual to complete the twenty-four (24) contact hours within six (6) months will result in the certificate becoming inactive;

3. The student services certificate of license to teach holder is exempt from the fifteen (15) contact hours of professional development, if the holder has a local professional development plan in place with the school district and at least two (2) of the following:

A. Ten (10) years of state-approved teaching experience;

B. A master's degree from an accredited college or university; and/or

C. Certification from the National Board for Professional Teaching Standards; and

4. For the purposes of this rule, one (1) contact hour of professional development is defined as:

A. Sixty (60) minutes of professional development; or

B. One (1) hour college credit equals at least fifteen (15) contact hours of professional development.

/(26)/(27) The holder of a student services certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of a student services certificate of license to teach whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a student services certificate of license to teach whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections 161.092, 168.071, 168.081 and 168.400, 168.011, RSMo [Supp. 2002] 2000 and 168.011 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo [2000] Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand six hundred twenty-five dollars (\$1,625) in Fiscal Year 2004 with that cost recurring over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Urban and Teacher Education
Chapter: 800 – Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.230 Application for a Student Services Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
65 individuals	Out-of-state individuals seeking a Missouri student services certificate of license to teach	\$1,625 in FY04 with that cost recurring annually over the life of the rule.

III. WORKSHEET

4,300 total out-of-state teachers, with approximately 1-2% in student services = 65 people x \$25 fee increase = \$1,625 in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach. The State Board of Education is amending sections (1), (3), (6), (7), (8), (9), (12) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference and adding new sections (6) and (12) and renumbering sections as needed.

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements* and changes the requirements for renewal of the certificate of license to teach.

(1) An applicant for a Missouri temporary authorization certificate of license to teach (temporary authorization certificate) who possesses good moral character may be granted a temporary authorization certificate upon joint application with a Missouri public school district or accredited nonpublic school. The temporary authorization certificate is limited to the employing Missouri public school district or accredited nonpublic school. *[An applicant for a temporary authorization certificate may apply for only one (1) area of certification at a time.]*

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI), and any other applicable forms. All information should be received by the board within ninety (90) days of the date of the application.

(B) For the purposes of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to *[the]* DESE.

(6) The temporary authorization certificate will not include the areas of elementary education, grades one through six (1-6); early childhood, grades birth through three (B-3); early childhood special education, grades birth through three (B-3); blind and partially sighted, grades kindergarten through twelve (K-12); and/or deaf and hearing impaired, grades kindergarten through twelve (K-12). Applicants for the areas of driver's education, English for speakers of other languages, gifted, and special reading must hold a certificate of license to teach or must seek a certificate of license to teach in a stand-alone area.

[(6)](7) The applicant for a temporary authorization certificate (excluding a temporary authorization administrator's certificate) must comply with the following criteria:

(A) Possession of a baccalaureate or higher degree from an accredited college or university in the subject area to be taught or a closely related field or demonstration of exceptional experience in the subject area to be taught $/;$:

1. Applicants for a special education temporary authorization certificate must possess a baccalaureate or higher degree from an accredited college or university;

(B) Possession of a grade point average of 2.5 or higher on a 4.0 scale $/$, both overall and in the major area of study $/$; and

(C) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school $/;$.

(D) If this is the applicant's initial certificate of license to teach, documentation of a plan of an academic program of study from a state-approved teacher preparation program must be submitted. If the applicant holds an initial Missouri professional or life certificate of license to teach and is seeking an additional certificate of license to teach, a transcript analysis from DESE based on the requirements set forth in the Compendium of Missouri Certification Requirements (compendium) which is incorporated by reference and made a part of this rule must be submitted; and

(E) The temporary authorization certificate will not include the areas of elementary education, grades one through six (1-6); early childhood, grades birth through three (B-3); early childhood special education, grades birth through three (B-3). Applicants for the areas of driver's education, English for speakers of other languages, gifted, and special reading must hold a certificate of license to teach or must also submit an academic program of study for a certificate of license to teach in a stand-alone area, as these areas cannot stand alone.]

[(7)](8) The applicant for a temporary authorization administrator's certificate for an administrator must comply with the following criteria:

(A) Possession of a valid Missouri certificate of license to teach;

(B) Completion of five (5) years teaching experience at the appropriate grade levels for which the temporary authorization administrator's certificate is sought in a public school or an accredited nonpublic school, or a combination of such schools;

(C) Possession of a master's or higher degree or currently enrolled in a state-approved master's or higher degree program for the preparation of *[an]* a school administrator; and

(D) Submission of a joint application verifying contracted employment with a Missouri public school district or accredited nonpublic school.

[(8)](9) The temporary authorization certificate (excluding a temporary authorization administrator's certificate) is valid for up to one (1) school year. It may be renewed annually by joint application from the certificate holder and the employing Missouri public school district or accredited nonpublic school upon demonstration of the following:

(A) Continued contracted employment with a Missouri public school district or accredited nonpublic school;

(B) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(C) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; *[and]*

(D) Taking both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board if this is the certificate holder's first renewal. An individual who currently possesses a professional certificate of license to teach will be exempted from taking the principles of learning and teaching;

1. Failure to achieve the Missouri qualifying score on either of these assessments shall be used by the certificate holder and a teacher preparation program to identify priority classes for further study; and

(D)(E) One of the following:

1.) Completion of nine (9) semester hours of course work toward the professional certificate of license to teach in the area of assignment $/$. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach; or] based

upon the requirements set forth in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule.

[2. Completion of six (6) semester hours of course work toward the professional certificate of license to teach in the area of assignment and successful completion of the Missouri New Teacher Institute. The appropriate hours will be determined by the state-approved teacher education institution if this is the applicant's initial certificate of license to teach or by DESE if it is an additional certificate of license to teach.]

/(9)/(10) The temporary authorization administrator's certificate is valid for up to one (1) school year and may only be renewed annually for four (4) subsequent years. It may be renewed **annually** by joint application from the certificate holder and the employing Missouri public school district upon demonstration of the following:

(A) Continued contracted employment as an administrator with a Missouri public school district or accredited nonpublic school;

(B) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited nonpublic school; and

(C) Completion of nine (9) semester hours of course work toward the administrator's certificate of license to teach. The appropriate hours will be determined by the state-approved program for the preparation of an administrator's certificate of license to teach.

/(10)/(11) The applicant shall be informed in writing of the decision regarding the application for a temporary authorization certificate.

(12) An individual may qualify for a professional classification certificate of license to teach (excluding an administrator's certificate) upon documentation of the following:

(A) The certificate holder has been teaching under a temporary authorization certificate of license to teach for a minimum of three (3) years;

(B) Achievement of the Missouri qualifying score on both the Praxis II assessments, one (1) content knowledge or specialty area assessment and two (2) principles of learning and teaching for the specific grade levels as promulgated by the rules adopted by the board;

(C) Documentation of successful Performance Based Teacher Evaluation by the sponsoring Missouri public school district or accredited nonpublic school;

(D) Documentation of participation in a mentoring program by the sponsoring Missouri public school district or accredited non-public school; and

(E) Documentation of key course work in education as listed below:

1. Course work in education not to exceed twenty-four (24) credit hours for any temporary authorization certificate (excluding an administrator's and/or special education temporary certificate) to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques;
- C. Measurement and Evaluation;
- D. Teaching Methods/Instructional Strategies;
- E. Methods of Teaching Reading at the appropriate level;
- F. Developmental Psychology at the appropriate level;

and

- G. Beginning Teacher Assistance; or

2. Course work in education not to exceed twenty-nine (29) credit hours for a special education temporary authorization certificate to include competencies in:

- A. Psychology of the Exceptional Child;
- B. Behavioral Management Techniques;
- C. Evaluation of Abilities and Achievement (to include Intelligence Testing);

D. Introduction to Cross-Categorical Disabilities;
E. Methods of Teaching Students with Cross-Categorical Disabilities;

F. Methods of Teaching Reading:

- (I) Reading Methods; and
- (II) Analysis and Correction of Reading Disabilities;

G. Methods of Teaching Mathematics:

- (I) Mathematics Methods; and
- (II) Methods of Teaching Remedial Mathematics; and

H. Counseling Techniques.

/(11)/(13) The holder of a temporary authorization certificate shall ensure that DESE has their current legal name and address.

(A) A holder of a temporary authorization certificate whose name is changed by marriage or court order shall notify DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of a temporary authorization certificate whose address has changed shall inform DESE in writing of the change within ninety (90) days of the effective date of the change.

/(12)/(14) All Missouri public school districts are required to disclose the certification status of teachers holding a temporary authorization certificate *[of license to teach]* by public notice in a form established by the board and consistent with applicable state laws and regulations.

AUTHORITY: sections 161.092, 168.021, 168.071, 168.081 and 168.083, RSMo Supp. [2002] 2003 and 168.011, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one hundred forty-eight thousand nine hundred twenty-five dollars (\$148,925) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Teacher Quality and Urban Education

Chapter: 800 - Educator Certification

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 80-800.260 Temporary Authorization Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
805 per year	Applicants for a Temporary Authorization Certificate of License to Teach who wish to advance to Professional Classification	\$148,925 in the Fiscal Year 2004 recurring annually over the life of the rule

III. WORKSHEET

A. Individuals holding a Temporary Authorization Certificate of License to Teach wishing to receive a Professional Classification must take two (2) Praxis tests at a total of \$185 (\$35 registration fee + Praxis test \$70 + \$80)

B. 805 applicants for Professional Classification x \$185 testing fees = \$148,925.

Title 5—DEPARTMENT OF ELEMENTARY AND**SECONDARY EDUCATION****Division 80—Teacher Quality and Urban Education****Chapter 800—Educator Certification****PROPOSED AMENDMENT**

5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach. The State Board of Education is amending sections (2), (3) and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment incorporates the recent legislative changes and updates the certification requirements in the Compendium of Missouri Certification Requirements.

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (*/the/ board*), **accompanied by the appropriate fee** and may be obtained by writing *[and should be submitted to the coordinator for Vocational Technical Education, or for Junior Reserve Officer Training Corps (ROTC) certificates to]* the Educator Certification Section~~,~~ *[Missouri]* of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms **and/or fees**. All information should be received by the board within ninety (90) days of the date of the application.

AUTHORITY: sections 168.011 [and 168.021], RSMo 2000[.] and 161.092, 168.021, 168.071 and 168.081 [and 161.092], RSMo Supp. /2002/ 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivision more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities one thousand six hundred twenty-five dollars (\$1,625) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Urban and Teacher Education
Chapter: 800 – Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.270 Application for a Vocational-Technical Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
65 individuals	Out-of-state individuals applying for a Missouri vocational-technical certificate of license to teach	\$1,625 in FY04 with that cost recurring annually over the life of the rule.

III. WORKSHEET

4,300 total out-of-state teachers with approximately 1.5% in vocational-technical fields = 65 people at \$25 fee increase = \$1,625 in Fiscal Year 2004 with that cost recurring annually over the life of the rule..

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach. The State Board of Education is amending sections (2), (3), (4), (11), and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: *This amendment incorporates the recent legislative changes and updates the certification requirements in the Compendium of Missouri Certification Requirements.*

(2) Applications for a Missouri certificate of license to teach shall be submitted on the forms provided by the State Board of Education (*the* board), accompanied by the appropriate fee and may be obtained by writing *and should be submitted to* the *Director for Adult Education, Missouri* Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at PO Box 480, Jefferson City, MO 65102 or by downloading from the Internet.

(3) An application is not considered officially filed with the board until it has been determined by the board or DESE staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints with the appropriate fee as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation (FBI) and any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(4) The applicant shall request that each state or United States territory regulatory entity in which a professional license including a certificate of license to teach is held or has ever been held to submit verification of certification or licensure directly to *the adult education section of* DESE, including information regarding any disciplinary action.

(11) The holder of an AEL certificate of license to teach shall ensure that DESE has their current legal name and address.

(A) A holder of an AEL certificate of license to teach whose name is changed by marriage or court order shall notify *the adult education section of* DESE within ninety (90) days of the name change and provide a copy of the appropriate documents verifying the name change.

(B) A holder of an AEL certificate of license to teach whose address has changed shall inform *the adult education section of* DESE in writing of the change within ninety (90) days of the effective date of the change.

AUTHORITY: sections *[161.092, 168.071 and 168.081]* **168.011, RSMo [Supp. 2002,] 2000 [168.011]** and **161.092, 168.021, 168.071 and 168.081, RSMo Supp. [2000]** 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment is estimated to cost private entities one thousand seventy-five dollars (\$1,075) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Urban and Teacher Education
Chapter: 800 – Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.280 Application for an Adult Education and Literacy Certificate of License to Teach

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
43	Out-of-state individuals applying for a Missouri adult education and literacy certificate of license to teach	\$1,075 in FY04 with that cost recurring annually over the life of the rule.

III. WORKSHEET

Approximately 1 percent Cost for out of 4,300 out-of-state educators are in the adult education and& literacy field = 43 people at \$25 fee increase = \$1,075 in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants. Missouri is proposing a \$50 fee that is comparable to surrounding states.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.290 Application for Substitute Certificate of License to Teach. The State Board of Education is amending sections (1) and (2), deleting sections (3) and (4), renumbering section (5) and renumbering and amending section (6).

PURPOSE: This amendment incorporates changes due to recent legislative changes and reorganization within the agency.

(1) An applicant for a substitute Missouri certificate of license to teach who has successfully completed sixty (60) semester hours or more of credit from an academic degree granting institution which is contained within the United States Department of Education's *Directory of Post-Secondary Institutions*, or approved by the Commissioner of Education and possesses good moral character may be granted a substitute Missouri certificate of license to teach for the period August 1 to July 31. Applicants may reapply through the school district for another substitute certificate of license to teach pursuant to the rules [*and regulations*] promulgated by the *[state]* State Board of Education (board).

(2) Applications for a substitute Missouri certificate of license to teach shall be submitted by the school district either through the Internet or on the forms provided by the *[State Board of Education which]* board and may be obtained by writing the *[Teacher]* Educator Certification Section of the Department of Elementary and Secondary Education (DESE) at P.O./Box 480, Jefferson City, MO 65102-0480 or by downloading from the Internet.

(3) An applicant for a substitute Missouri certificate of license to teach must also complete and submit the background check form containing—

- (A) Applicant's residential address;*
- (B) Applicant's date of birth and Social Security number;*
- (C) Details regarding teaching certificates or similar titles and/or other professional licenses or similar titles, including but not limited to disciplinary actions, denials, restrictions, revocations, voluntary surrenders, suspensions, reprimands, and/or investigations;*
- (D) Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or entering a plea of nolo contendere for any violation of any law of a state or the United States other than a minor traffic violation; and*
- (E) Details regarding any pending complaints and/or investigations before any regulatory board or agency.]*

(4) The background check form is provided by the State Board of Education and may be obtained by writing the Professional Conduct and Investigations Section of the Department of Elementary and Secondary Education at P.O. Box 480, Jefferson City, MO 65102-0480 or by calling (573) 522-1999.]

(5)(3) An applicant for a substitute Missouri certificate of license to teach shall submit to a Missouri State Highway Patrol records check and any other background check required by the local school district.

*(6)(4) An application is not considered officially filed with the *[State Board of Education]* board until it has been determined by the *[State Board of Education]* board or *[department]* DESE*

staff to be complete and the application is submitted on the forms provided by the *[State Board of Education]* board signed, and accompanied by any other applicable forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

AUTHORITY: sections [161.092,] 168.011 [*and* 168.081], RSMo [1994,] 2000 and 161.092, 168.021 [*and*], 168.071 and 168.081, RSMo Supp. [1998] 2003. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Jan. 26, 2000. Original rule filed July 30, 1999, effective Feb. 29, 2000. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in the support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.300 Discipline and Denial of Certificates of License to Teach. The State Board of Education is amending the Purpose, sections (1), (6) and adding a new section (10).

PURPOSE: This amendment incorporates recent legislative changes.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state, establish requirements and qualifications for those certificates and cause those certificates to be revoked, suspended, invalidated or deleted in a manner provided in [section 168.071, RSMo] state law. This rule establishes procedures for action by the State Board of Education.

(1) The State Board of Education (the board) may discipline, refuse to issue, or renew a certificate of license to teach for any one (1) or combination of the following:

(6) Upon documentation from a court of a plea of guilty or conviction of the following crime(s) whether or not sentence is imposed, an individual's certificate of license to teach shall be revoked, or in the case of an applicant, not issued:

- (U) Enticement of a Child;*
- (V) Attempting to Entice a Child;*
- (W) Incest;*
- (X) Abandonment of Child 1st Degree;*
- (Y) Abandonment of Child 2nd Degree;*
- (Z) Endangering the Welfare of a Child 1st Degree;*
- (AA) Abuse of Child;*
- (BB) Child Used in a Sexual Performance;*
- (CC) Promoting Sexual Performance by a Child;*

*/(BB)/(DD) Trafficking in Children; and
/(CC)/(EE) Offenses Involving Child Pornography and Related Offenses:*

1. Promoting obscenity 1st degree;
2. Promoting obscenity 2nd degree if penalty is enhanced to Class D Felony;
3. Promoting child pornography 1st degree;
4. Promoting child pornography 2nd degree;
5. Possession of child pornography 1st degree;
6. Possession of child pornography 2nd degree;
7. Furnishing child pornography to a minor;
8. Furnishing pornographic materials to minors;
9. Coercing acceptance of obscene material.

(10) When a local board of education learns that a certificate holder has pled guilty or is found guilty of any felony or misdemeanor involving moral turpitude; whether or not sentence is imposed under the laws of this state, or any other state, of the United States or any other country, the local board of education shall immediately provide written notice to DESE and the Office of the Attorney General.

(A) Written notice shall contain the following information, if known:

1. Certificate holder's name;
2. Social Security number;
3. Date of birth;
4. Last known address; and/or
5. Information regarding the criminal record.

AUTHORITY: sections *[161.092, 168.071 and 168.081,] 168.011, RSMo [Supp. 2002] 2000[,* and *[168.011 and] 161.092, 168.021, 168.071 and 168.081, RSMo Supp. [2000] 2003.* Emergency rule filed March 22, 1999, effective April 1, 1999, expired Sept. 27, 1999. Original rule filed March 22, 1999, effective Sept. 30, 1999. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept 12 , 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.350 Certificate of License to Teach Content Areas. The State Board of Education is amending subsections (2)(A), (2)(E), (2)(I), section (3), Appendix A and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment updates the certification requirements in the *Compendium of Missouri Certification Requirements*, deletes

the zip code numbers in the Appendix and adds student services certificate of license to teach as a speech-language pathologist.

(2) Certificates of license to teach are issued and renewed by the State Board of Education (board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium) which is incorporated by reference and made a part of this rule and the rules promulgated by the board in the specialized areas as follows:

- (A) Early childhood education, birth */through/*—grade 3;
- (E) Special education in one (1) or more of the following areas:
 1. Blind and partially sighted, *birth-grade/s K–12* ;
 2. Deaf and hearing impaired, *birth-grade/s K–12* ;
 3. Early childhood special education, *birth-grade 3* ;
 4. Mild/moderate behavioral disordered, *grades K–12 to be discontinued 8-15-2005*;
 5. Mild/moderate cross-categorical, *grades K–12* ;
 6. Mild/moderate learning disabled, *grades K–12 to be discontinued 8-15-2005*;
 7. Mild/moderate mentally handicapped, *grades K–12 to be discontinued 8-15-2005*;
 8. Mild/moderate physical and/or other health impairments, *grades K–12 to be discontinued 8-15-2005; and/or*
 9. Severely developmentally disabled, *birth-grade/s K–12; /and/or*
10. *Speech and language specialist, grades K–12;]*
 - (I) Student services certificates of license to teach may be issued in one (1) or more of the following areas:
 1. School counselor, *grades K–8, 7–12, and/or K–12* ;
 2. Advanced school counselor, *grades K–12* ;
 3. School psychological examiner, *grades K–12* ;
 4. School psychologist, *grades K–12* ;
 5. Vocational adult education supervisor;
 6. Post-secondary vocational counselor;
 7. *Vocational /P/placement coordinator; /and/or*
 8. Vocational evaluator; *and/or*
 9. *Speech-language pathologist, birth-grade 12;*
 - (3) Certification requirements will be reviewed on a five (5) calendar-year cycle. The Missouri Advisory Council of Certification for Educators (MACCE) will submit recommendations to the *[State Board of Education] board* and commissioner of education for their consideration, beginning September 1, 2004, regarding the status of certification requirements.

Appendix A—Vocational-Technical Certificates

Agricultural Education

<i>01.0000</i>	<i>Agricultural Education</i>
<i>01.0101</i>	<i>Agricultural Business</i>
<i>01.0201</i>	<i>Agricultural Mechanics</i>
<i>01.0301</i>	<i>Agricultural Production</i>
<i>01.0401</i>	<i>Agricultural Processing</i>
<i>01.0501</i>	<i>Agricultural Services/Supplies</i>
<i>01.0601</i>	<i>Horticulture</i>
<i>03.0101</i>	<i>Agricultural Resources</i>
<i>03.0401</i>	<i>Forestry</i>

Agricultural Business

<i>Agricultural Education</i>
<i>Agricultural Mechanics</i>
<i>Agricultural Processing</i>
<i>Agricultural Production</i>
<i>Agricultural Resources</i>
<i>Agricultural Services/Supplies</i>
<i>Forestry</i>
<i>Horticulture</i>

Business Education

152.0302 Accounting
 52.0407 Information Processing
 52.0407 Network Administration
 52.0408 General Office
 52.1202 Computer Programming
 80.000015 Business Education with Coop]

Accounting

Computer Programming/Network Administration
 General Office and Information Processing
 Vocational Business Education
 Vocational Business Education with Coop

Family and Consumer Sciences Education

120.0201 Child Care and Guidance Workers and Managers
 20.0301 Apparel and Textile Workers and Managers
 20.0401 Institutional Food Workers and Administrators-Dietetic Technology
 20.0501 Home Furnishings and Equipment Installers and Consultants
 20.0601 Custodial, Housekeeping and Home Services Workers and Managers
 20.9999 Vocational Family and Consumer Sciences]

Apparel and Textiles

Dietetic Services
 Food Production, Management and Related Services
 Housing and Home Environments
 Human Development/Adult Development and Aging
 Human Development/Child Care
 Vocational Family and Consumer Sciences, Other

Health Sciences

12.0301 * Funeral Service and Mortuary Science
 51.0000 * Health Occupations Coop
 51.0205 * Sign Language Interpreter
 51.0601 * Dental Assistant
 51.0602 * Dental Hygienist
 51.0603 Dental Laboratory Technician
 51.0699 Dental Services, Other
 51.0703 Health Unit Coordinator/Ward Clerk
 51.0707 * Medical Record Technology/Technician (Health Information Technology)
 51.0708 * Medical Transcription
 51.0801 * Medical Assistant
 51.0802 * Medical Laboratory Assistant
 51.0803 * Occupational Therapy Assistant
 51.0805 * Pharmacy Technician/Assistant
 51.0806 * Physical Therapy Assistant
 51.0808 Veterinarian Assistant/Animal Health Technician
 51.0899 Health and Medical Assistants, Other
 51.0904 * Emergency Medical Technology/Technician
 51.0907 * Medical Radiologic Technology/Technician
 51.0908 * Respiratory Therapy Technician
 51.0909 * Surgical/Operating Room Technology
 51.0910 * Diagnostic Medical Sonography Technician
 51.1004 * Medical Laboratory Technician
 51.1501 * Alcohol/Drug Abuse Counseling
 51.1502 * Psychiatric/Mental Health Services Technician
 51.1599 Medical Health Services, Other
 51.1601 * Registered Nursing (RN Training)
 51.1613 * Licensed Practical Nursing (LPN Training)
 51.1614 * Nursing Assistant/Aide

51.1615 * Home Health Aide
 51.1699 * Nursing, Other
 51.2601 * Health Aide (Health Services Assistant)
 51.9999 Health Professions and Related Sciences, Other]

Dental Assistant *

Dental Hygienist *

Dental Laboratory Technician

Diagnostic Medical Sonography Technician *
 Emergency Medical Technology/Technician *
 Funeral Service and Mortuary Science *
 Health Aide (Health Services Assistant) *
 Health Occupations Coop *

Health Professions and Related Sciences, Other

Health Unit Coordinator/Ward Clerk

Licensed Practical Nursing (LPN Training) *

Massage Therapy *

Medical Assistant *

Medical Health Services, Other

Medical Laboratory Assistant *

Medical Laboratory Technician *

Medical Radiologic Technology/Technician *

Medical Record Technology/Technician (Health Information Technology) *

Medical Transcription *

Nursing Assistant/Aide *

Nursing, Other *

Occupational Therapy Assistant *

Pharmacy Technician/Assistant *

Physical Therapy Assistant *

Registered Nursing (RN Training) *

Respiratory Therapy Technician *

Sign Language Interpreter *

Surgical/Operating Room Technology *

Marketing /& and Cooperative Education

104.0000 Marketing Education Post-Secondary Marketing
 03.0000 Cooperative Occupational Education
 05.0000 Cooperative Industrial Education]

Cooperative Vocational Education

Marketing Education

Trade and Industrial Education

10.0101 Educational/Instructional Media Technology/Technician
 10.0104 Radio and Television Broadcasting Technology/Technician
 12.0403 * Cosmetologist
 12.0499 Cosmetic Services, Other
 12.0501 Baker/Pastry Chef
 12.0503 Culinary Arts
 12.0504 Food and Beverage/Restaurant Operations Manager
 12.0599 Culinary Arts and Related Services, Other
 15.0101 Architectural Engineering Technology/Technician
 15.0201 Civil Engineering/Civil Technology/Technician
 15.0301 Computer Engineering Technology/Technician
 15.0303 Electrical, Electronic and Communications Engineering Technology/Technician
 15.0304 Laser and Optical Technology/Technician
 15.0399 Electrical and Electronic Engineering-Related Technologies/Technicians, Other

15.0401	Biomedical Engineering-Related Technology/Technician	47.0201	Heating, Air Conditioning and Refrigeration Mechanic and Repairer
15.0402	Computer Maintenance Technology/Technician	47.0302	Heavy Equipment Maintenance and Repairer
15.0403	Electromechanical Technology/Technician	47.0303	Industrial Machinery Maintenance and Repairer
15.0404	Instrumentation Technology/Technician	47.0399	Industrial Equipment Maintenance and Repairer, Other
15.0405	Robotics Technology/Technician	47.0501	Stationary Energy Sources Installer and Operator
15.0499	Electromechanical Instrumentation and Maintenance Technologies/Technicians, Other	47.0603	Auto/Automotive Body Repairer
15.0501	Heating, Air Conditioning and Refrigeration Technology/Technician	47.0604	Auto/Automotive Mechanic/Technician
15.0506	Water Quality and Wastewater Treatment Technology/Technician	47.0605	Diesel Engine Mechanic and Repairer
15.0599	Environmental Control Technologies/Technicians, Other	47.0606	Small Engine Mechanic and Repairer
15.0601	Chemical Manufacturing Technology	47.0607*	Aircraft Mechanic/Technician, Airframe
15.0603	Industrial/Manufacturing Technology/Technician	47.0608*	Aircraft Mechanic/Technician, Powerplant
15.0604	Manufacturing Technology	47.0609*	Aviation Systems and Avionics
15.0699	Industrial Production Technologies/Technicians, Other	47.0611	Maintenance Technologist/Technician
15.0701	Occupational Safety and Health Technology/Technician	47.0699	Motorcycle Mechanic and Repairer
15.0702	Quality Control Technology/Technician	48.0101	Vehicle and Mobile Equipment Mechanics and Repairer, Other
15.0799	Quality Control and Safety Technologies/Technicians, Other	48.0102	Drafting, General
15.0801	Aeronautical Technology	48.0103	Architectural Drafting
15.0803	Automotive Engineering Technology/Technician	48.0104	Civil/Structural Drafting
15.0805	Mechanical Engineering/Mechanical Technology/Technician	48.0105	Electrical/Electronics Drafting
15.1001	Construction/Building Technology/Technician	48.0199	Mechanical Drafting
20.0309	Drycleaner and Launderer (Commercial)	48.0201	Drafting, Other
23.1101	English Technical and Business Writing	48.0205	Graphic and Printing Equipment Operator, General
27.0301	Applied Mathematics, General	48.0206	Mechanical Typesetter and Composer
41.0301	Chemical Technology/Technical	48.0208	Lithographer and Platemaker
43.0107	Law Enforcement/Police Science	48.0211	Printing Press Operator
43.0201	Fire Protection and Safety Technology/Technician	48.0212	Computer Typography and Composition Equipment Operator
43.0203	Fire Science/Firefighting	48.0299	Desktop Publishing Equipment Operator
46.0101	Mason and Tile Setter	48.0303	Graphic and Printing Equipment Operator, Other
46.0201	Carpenter	48.0501	Upholsterer
46.0301	Electrical and Power Transmission Installer, General	48.0503	Machinist/Machine Technologist
46.0302	Electrician	48.0506	Machine Shop Assistant
46.0303	Lineworker	48.0507	Sheet Metal Worker
46.0399	Electrical and Power Transmission Installer, Other	48.0508	Tool and Die Maker/Technologist
46.0401	Building/Property Maintenance and Manager	48.0599	Welder/Welding Technologist
46.0403	Construction/Building Inspector	48.0701	Metal Fabrication
46.0408	Painter and Wall Coverer	48.0702	Woodworkers, General
46.0499	Construction and Building Finishers and Managers, Other	48.0703	Furniture Designer and Maker
46.0501	Plumber and Pipefitter	48.0799	Cabinet Maker and Millworker
46.9999	Construction Trades, Other	49.0202	Woodworkers, Other
47.0101	Electrical and Electronics Equipment Installer and Repairer, General	49.0205	Construction Equipment Operator
47.0102	Business Machine Repairer	49.0299	Truck, Bus and Other Commercial Vehicle Operator
47.0103	Communications Systems Installer and Repairer	49.0306	Vehicle and Equipment Operators, Other
47.0104	Computer Installer and Repairer	50.0201	Marine Maintenance and Ship Repairer
47.0105	Industrial Electronics Installer and Repairer	50.0402	Crafts, Folk Art and Artisanry
47.0106	Major Appliance Installer and Repairer	50.0404	Graphic Design, Commercial Art and Illustration
47.0199	Electrical and Electronics Equipment Installer and Repairer, Other	50.0406	Industrial Design
		50.0605	Commercial Photography
		06.2002	Photography
			Trade and Industrial Internship]
			Aircraft Mechanic/Technician, Airframe *
			Aircraft Mechanic/Technician, Powerplant *
			Applied Mathematics, General
			Architectural Engineering Technology/Technician
			Auto/Automotive Body Repairer
			Auto/Automotive Mechanic/Technician
			Automotive Engineering Technology/Technician
			Aviation Systems and Avionics Maintenance
			Technologist/Technician *

Biomedical Engineering-Related Technology/Technician
 Building/Property Maintenance and Manager
 Cabinet Maker and Millworker
 Carpenter
 Chemical Technology/Technical
 Civil Engineering/Civil Technology/Technician
 Civil/Structural Drafting
 Commercial Photography
 Communications Systems Installer and Repairer
 Communications Technology
 Computer Installer and Repairer
 Computer Maintenance Technology/Technician
 Construction and Building Finishers and Managers, Other
 Construction Equipment Operator
 Construction Trades, Other
 Construction/Building Technology/Technician
 Cosmetic Services, Other
 Cosmetologist *

Culinary Arts
 Desktop Publishing Equipment Operator
 Diesel Engine Mechanic and Repairer
 Drafting, General
 Drafting, Other
 Drycleaner and Launderer (Commercial)
 Educational/Instructional Media Technology/Technician
 Electrical and Electronics Equipment Installer and Repairer, General
 Electrical and Electronics Equipment Installer and Repairer, Other
 Electrical and Power Transmission Installer, General
 Electrical, Electronic and Communications Engineering Technology/Technician Electrician
 Electromechanical Technology/Technician
 English Technical and Business Writing
 Fire Protection and Safety cian
 Fire Science/Firefighting
 Food and Beverage/Restaurant Operations Manager
 Graphic and Printing Equipment Operator, General
 Graphic and Printing Equipment Operator, Other
 Graphic Design, Commercial Art and Illustration
 Heating, Air Conditioning and Refrigeration Mechanic and Repairer
 Heating, Air Conditioning and Refrigeration Technology/Technician
 Heavy Equipment Maintenance and Repairer
 Industrial Design
 Industrial Electronics Installer and Repairer
 Industrial Equipment Maintenance and Repairer, Other
 Industrial Machinery Maintenance and Repairer
 Industrial Production Technologies/Technicians, Other
 Industrial Technology/Technician
 Instrumentation Technology/Technician
 Ironworking/Ironworker
 Laser and Optical Technology/Technician
 Law Enforcement/Police Science
 Machinist/Machine Technologist
 Major Appliance Installer and Repairer
 Manufacturing Technology
 Marine Maintenance and Ship Repairer
 Mason and Tile Setter
 Mechanical Engineering/Mechanical Technology/Technician
 Motorcycle Mechanic and Repairer
 Occupational Safety and Health Technology/Technician
 Painter and Wall Coverer
 Pipefitting/Pipefitter and Sprinkler Fitter
 Plumbing Technology/Plumber
 Quality Control Technology/Technician
 Radio and Television Broadcasting Technology/Technician

Robotics Technology/Technician
 Sheet Metal Worker
 Small Engine Mechanic and Repairer
 Tool and Die Maker/Technologist
 Trade and Industrial Internship
 Truck, Bus and Other Commercial Vehicle Operator
 Upholsterer
 Vehicle and Mobile Equipment Mechanics and Repairer, Other
 Water Quality and Wastewater Treatment
 Technology/Technician
 Welder/Welding Technologist

* Requires Professional Licensing

AUTHORITY: sections 168.011, 168.021, and 168.405, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. (2002) 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.360 Certificate of License to Teach Classifications. The State Board of Education is amending sections (1), (4), (5), (7), (9), (12), (13), the *Compendium of Missouri Certification Requirements* which is incorporated by reference, deleting section (6), making a new section (6) out of old section (5), adding new sections (5) and (9) and renumbering the sections.

PURPOSE: This amendment updates certification requirements in the *Compendium of Missouri Certification Requirements*, adds a provisional certificate of license to teach as a speech implementor.

(1) Certificates of license to teach are issued and renewed by the State Board of Education (*the* board) pursuant to the certification requirements found in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule, and the rules promulgated by the board.

(4) Certificates of license to teach may be issued pursuant to the rules promulgated by the board, to individuals [*completing a state-approved teacher preparation program, and/or a Ph.D. program*] in the following classifications:

(A) Initial Professional Classification II (PC I) (IPC); and/or
 (B) Professional Classification II (PC II); and/or

(C)(B) Career Continuous Professional Classification (CCPC) /Ph.D./ doctoral applicants are ineligible to advance to the CCPC level.

(5) For the purpose of this rule, one (1) contact hour for professional development is defined as:

- (A) Sixty (60) minutes of professional development; or
- (B) One (1) hour college credit equals at least fifteen (15) contact hours of professional development.

(5)(6) Initial Professional Classification /I (PC I)—/ (IPC):

(A) A *[three (3)] four (4)* year */PC II/ IPC* classification will be issued to applicants who meet the certification requirements and possess less than *[three (3)] four (4)* years of state-approved teaching experience $./.$;

(B) During the valid dates of the */PC II/ IPC* classification, the certificate holder shall complete the following requirements:

1. Verification of *[three (3)] four (4)* years of state-approved teaching experience;

2. Develop and implement a detailed professional development plan of **at least thirty (30) contact hours**, approved by the local board of education, to include clearly stated goals for improvement and enrichment;

3. Participate in a/*n entry-year* mentoring program **for a minimum of two (2) years**, the guidelines for which shall be established by the local board of education;

4. Participate in a beginning teacher assistance program from a Missouri college or university *[if the teacher education program was completed in a Missouri institution]*. The assistance may include retraining, internships, counseling and in-service training; and

5. Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria established by the board; and/

6.5. Participate in the district's Performance-Based Teacher Evaluations (PBTEs)./.; and/or

(C) If the holder of a PC I has not met the above-mentioned criteria for upgrade to a PC II, the certificate of license to teach may be extended once for three (3) years upon written request.]

(D)(C) Individuals who have not been employed in a school setting may renew their certificate upon a showing of good cause and the following:

1. Written request for renewal; and

2. *[Submission of an official transcript showing six (6) semester hours appropriate to education from an approved college or university or upon completion of a master's degree in education or an area of certification.] Documentation of completion of a plan to complete twenty-four (24) contact hours of professional development within six (6) months prior to or after returning to an educational position.*

(6) Professional Classification II (PC II)—

(A) A seven (7) year PC II classification will be issued to:

1. *Applicants who hold a PC I and provide documentation of completing all the requirements for advancement to this level of classification; or*

2. *Applicants who meet the certification requirements and have three (3) years of state-approved teaching experience.*

(B) During the valid dates of the PC II classification, the certificate holder shall complete the following requirements:

1. *An additional seven (7) years of state-approved teaching experience;*

2. *Implement or continue a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;*

3. *Earn twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned master's degree. The master's degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a master's degree in education or in an area of certification;*

4. *Continue professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the board or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and*

5. *Participate in the district's PBTEs.*

(C) If the holder of a PC II has not met the above-mentioned criteria for upgrade to a CPC, the PC II may be extended once for three (3) years upon written request. Additional renewals for seven (7) years may be granted upon completion of the following:

1. *An additional seven (7) years of state-approved teaching experience;*

2. *Continuation of a detailed professional development plan approved by the local board of education, to include clearly stated goals for continued improvement and enrichment;*

3. *Earning twelve (12) semester hours, other than internship credit, appropriate to teaching area(s) or toward a planned master's degree. The master's degree shall be in education or in an area of certification. An exception from this twelve (12)-hour requirement exists if the certificate holder has already earned a master's degree in education or in an area of certification;*

4. *Continuation of professional growth to include thirty (30) clock hours of in-service training as defined in criteria as established by the board or serve as a mentor in the entry-year mentor program, the guidelines for which shall be established by the local board of education; and*

5. *Participation in the district's PBTEs.*

(D) Individuals who have not been employed in a school setting may renew their certificate upon a showing of good cause and the following:

1. *Written request; and*

2. *Submission of an official transcript showing six (6) semester hours appropriate to education from an approved college or university or upon completion of a master's degree in education or an area of certification.]*

(7) Career Continuous Professional Classification (CCPC)/—/:

*(A) A *[ten (10)-year]* CCPC classification will be issued to an applicant upon completion and verification of the following:*

1. *Applicants who hold a PC II, provide documentation of completing all the requirements for advancement to this level of classification and have completed a master's degree in education or an area of certification; or*

2. *Applicants who have earned a master's degree in education or an area of certification and have a minimum of ten (10) years of state-approved teaching experience.]*

1. *Four (4) years of state-approved teaching experience;*

2. *The development and implementation of a detailed professional development plan of at least thirty (30) contact hours approved by the local board of education to include clearly stated goals for improvement and enrichment;*

3. *Participation in a mentoring program for a minimum of two (2) years, the guidelines for which shall be established by the local school board of education;*

4. *Participation in a beginning teacher assistance program from a Missouri college or university. The assistance may include retraining, internship, counseling and in-service training; and*

5. *Participation in the district's PBTEs;*

(B) The CCPC classification [*may be renewed an unlimited number of times*] is continuous upon verification by the employing school district that the certificate holder has completed fifteen (15) contact hours of professional development per year;

1. Individuals possessing a CCPC who do not complete fifteen (15) contact hours of professional development each year, may within two (2) years make up the missing hours. The individual must first meet the fifteen (15) hour requirement for the current year and then count the excess hours as makeup hours;

2. A CCPC becomes inactive if the individual does not make up the requisite hours within two (2) years; and/or

3. A CCPC may be reactivated by the individual completing twenty-four (24) contact hours of professional development within six (6) months prior to or after the reactivation of the certificate. Failure of the individual to complete the twenty-four (24) contact hours within six (6) months will result in the certificate becoming inactive; and

(C) The CCPC holder is exempt from the fifteen (15) contact hours of professional development, if the holder has a local professional development plan in place with the school and at least two (2) of the following:

1. Ten (10) years of state-approved teaching experience;
2. A master's degree from an accredited college or university; and/or
3. Certification from the National Board for Professional Teaching Standards.

(9) Individuals who have not been employed in a school setting for three (3) or more years may reactivate the appropriate level of professional classification certificate of license to teach by completing twenty-four (24) contact hours of professional development within six (6) months prior to or after returning to an educational position.

((9)) (10) The local district and teacher shall submit, on an upgrade application form provided by DESE, a request for renewal and/or continuation of a particular classification level; verification that the teacher has completed the requirements of a particular classification level and/or the request for advancement to the next classification level.

((10)) (11) Any certificate holder denied certification by the board pursuant to this rule may appeal the decision pursuant to the rules promulgated by the board.

((11)) (12) Any certificate holder's disagreement with the school district's verification of requirements for the classification levels shall be dealt with through an appeal process developed by the school district's local board of education.

((12)) (13) Approved teaching experience, as described in the rules promulgated by the board, must be in Missouri public schools, schools approved or accredited by the state education agency in states other than Missouri, or in nonpublic schools accredited by an affiliate of the National Federation of Nonpublic School State Accrediting Associations, or one (1) of the six (6) regional accrediting associations for schools and colleges, or by the University of Missouri-Columbia, or other schools accredited by a DESE-approved accrediting agency which incorporates standards that include an entry-year mentor program, professional development plans for faculty, in-service training for faculty, and PBTEs. Teaching experience must be contracted and at least half-time. Substitute teaching or serving as a teacher's aide or assistant will not be counted as teaching experience.

((13)) (14) Provisional certificates of license to teach may be issued to an individual for two (2) years and may be extended upon a showing of good cause [*or issued for five (5) years*]. Provisional certificates of license to teach may be issued in the following situations:

(A) A two (2)-year provisional certificate of license to teach may be issued to an individual who has completed the academic requirements for a certificate of license to teach, but has not taken or passed the exit assessment(s) designated by the board; or

((B) A two (2)-year provisional certificate of license to teach may be issued to an individual who has been admitted into a state-approved post-baccalaureate or alternative professional education program at a Missouri institution of higher education and is actively engaged in coursework to satisfy the requirements of the program;

((C)) (B) A two (2)-year provisional certificate of license to teach may be issued to an individual who has completed a teacher preparation program and is generally within twelve (12) semester hours of completion of the certification requirements as set forth in the compendium[; or]

((D) A five (5)-year provisional certificate of license to teach may be issued to an individual who possess a valid certificate of license to teach from another state and has five (5) years teaching experiences in the same school district in the curriculum area and appropriate grade levels in another state.]

((14)) (15) Administrator certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

((15)) (16) Student services certificates of license to teach may be issued to an individual for five (5) or ten (10) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

((16)) (17) Substitute certificates of license to teach may be issued to an individual for one (1) year pursuant to the requirements found in the compendium and the rules promulgated by the board.

((17)) (18) Vocational-technical certificates of license to teach may be issued to an individual for two (2) or five (5) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

((18)) (19) Adult education and literacy certificates of license to teach may be issued to an individual for three (3) or ten (10) years and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

((19)) (20) Temporary authorization certificates of license to teach may be issued to an individual for one (1) year and may be renewed pursuant to the requirements found in the compendium and the rules promulgated by the board.

AUTHORITY: sections 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002, 168.011, 168.021, 168.128, 168.405 and 168.409, RSMo 2000 and 161.092, 168.021, 168.071, 168.081 and 168.400, RSMo Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed Oct. 25, 2001, effective June 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the

Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.370 Fees. The State Board of Education is amending sections (1) and (2).

PURPOSE: This amendment incorporates recent legislative changes to the fees assessed.

(1) A fee, sufficient to recover costs of processing and issuing certificates of license to teach, will be charged to applicants who completed an approved teacher *[education]* preparation program in a state other than Missouri. All applicants or certificate of license to teach holders may be charged additional fees to recover costs associated with the issuance of certificates of license to teach, other than the initial professional certificate of license to teach.

(2) The following fees are established by the State Board of Education *(/the)* board and are payable in the form of a cashier's check or money order to the Treasurer, State of Missouri:

(A) Application for a Certificate of License to Teach (Individuals who completed a teacher preparation program from a non-Missouri school */and do not possess five (5) years teaching experience in the same school district in the curriculum area and appropriate grade level*) *[\$25.00/\$50.00*

(B) Application for a Career Continuous Professional Certificate of License to Teach *\$35.00*

(C) Reprint or Duplicate Certificate of License to Teach *[\$10.00/\$25.00*

(D) Additional Certificate for the Addition of an Advanced Degree *[\$10.00/\$25.00*

(E) Copy Cost (per page) *\$.50*

(F) Research Fee (per hour) *\$35.00*

(G) Fingerprint Card Check—Amount determined by the Missouri State Highway Patrol and/or the Federal Bureau of Investigation.

(H) Missouri Open Records Check—Amount determined by the Missouri State Highway Patrol.

AUTHORITY: sections [161.092, 168.071, 168.081 and 168.400,] 168.011, 168.405 and 168.409, RSMo [Supp. 2002,] 2000 and [168.011,] 161.092, 168.021, [168.405 and 168.409,] 168.071, 168.081 and 168.400, RSMo [2000] Supp. 2003. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities four hundred eighty-one thousand six hundred forty dollars (\$481,640) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education

Division: 80 - Urban and Teacher Education

Chapter: 800 - Educator Certification

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 5 CSR 80-800.370 Fees

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification of types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
16,424 individuals	Individuals from out-of-state applying for a Missouri certificate of license to teach, individuals upgrading to the new career continuous professional classification certificate of license to teach, and Missouri educators who request a duplicate certificate.	\$481,640 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

3,882	Out-of-state educators x \$25 fee increase	\$ 97,050
65	Out-of-state vocational-technical teachers x \$25 fee increase	\$ 1,625
43	Out-of-state adult ed. & literacy teachers x \$25 fee increase	\$ 1,075
65	Out-of-state student services/counselors x \$25 fee increase	\$ 1,625
215	Out-of-state administrators x \$25 fee increase	\$ 5,375
7,104	Eligible current educators x new \$35 fee to upgrade from their initial certification to a career continuous professional classification	\$248,640
5,050	Duplicate certificates x \$25 fee increase	\$126,250
16,424		\$481,640

IV. ASSUMPTIONS

There currently is a \$25 fee for out-of-state applicants and Missouri is proposing to change that to \$50. There currently is a \$10 fee for duplicate/updated certificates and Missouri is proposing to change that to \$25. Missouri is proposing a new, \$35 application fee to upgrade initial teaching certificates to career (CCPC) certificates. The fee amounts are comparable to surrounding states' fees.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.380 Required Assessments for Professional Education Certification in Missouri. The State Board of Education is amending the Purpose, subsection (1)(A), the Appendix, and the *Compendium of Missouri Certification Requirements* which is incorporated by reference.

PURPOSE: This amendment clarifies the appropriate exit assessments to be used with specific special education and temporary authorization certificates of license to teach, and updates the requirements found in the *Compendium of Missouri Certification Requirements*.

PURPOSE: The State Board of Education is authorized to grant certificates of license to teach in any of the public schools of the state and to establish requirements and qualifications for those certificates. This rule establishes required assessments for [candidates for certification who have completed a state-approved professional education program] individuals applying for an initial or additional certificate of license to teach.

(1) Each applicant seeking a Missouri certificate of license to teach will successfully complete an exit assessment to measure the applicant's competency in subject matter, pedagogical knowledge, or both, prior to being granted the certificate. An exemption exists if the applicant holds a valid certificate of license to teach from another state and has five (5) years teaching experience in the same school district in the curriculum area and approximate grade levels in another state. That applicant may obtain a Missouri certificate of license to teach upon completion of five (5) years teaching in Missouri public schools.

(A) The State Board of Education (board) has selected the Praxis II: Content Knowledge or Specialty Area assessments and the Principles of Learning and Teaching assessments developed by the Educational Testing Service (ETS) as the exit assessments for certificates of license to teach. Qualifying scores are established by the board and published by ETS for each assessment designated for an area of certification.

1. Applicants seeking initial certificates of license to teach must complete and achieve a Missouri qualifying score in the content knowledge or specialty area assessment in their major area of preparation or the appropriate principles of learning and teaching assessment if no content knowledge or specialty area assessment is designated, except in the areas of special education, student services, and administration (see Appendix A, which is included herein).

2. Applicants for a Missouri certificate of license to teach, having a valid certificate of license to teach in the same or a closely aligned area of certification from another state, having taken that state's required subject or specialty area assessment(s) for that certification and achieved that state's passing score(s), and having at least two (2) years of full-time professional experience in education in the area for which they are seeking Missouri certification, shall not be required to take the designated assessment(s) in Missouri in order to receive the Missouri certificate of license to teach. If no subject or specialty area assessment is required in the state from which the applicant holds a valid certificate of license to teach, the applicant shall successfully complete the assessment(s) designated by the board in order to receive the Missouri certificate of license to teach.

3. Applicants holding a valid Missouri professional or life certificate of license to teach in a content area who are seeking addi-

tional certificate(s) of license to teach in other content area(s), will receive the additional certificate(s) upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II content knowledge or specialty area assessment designated for the certificate of license to teach, except for the areas of unified science, special education other than mild/moderate cross-categorical disabilities, speech-language specialist, student services, administration, vocational-technical, and adult education and literacy; or

B. Successfully complete the applicable certification requirements as set forth in the *Compendium of Missouri Certification Requirements* (compendium), which is incorporated by reference and made a part of this rule.

4. Applicants holding a valid Missouri professional or life certificate of license to teach in a secondary content area who are seeking additional certification for middle school in the same content area, will receive the additional certification upon meeting either of the following conditions:

A. Complete and achieve a Missouri qualifying score for the Praxis II: Principles of Learning and Teaching, grades five through nine (5-9), assessment; or

B. Successfully complete the applicable certification requirements for middle school education, grades five through nine (5-9), as set forth in the compendium.

APPENDIX A
ASSESSMENTS DESIGNATED FOR CERTIFICATION IN MISSOURI

The Praxis® assessments listed below have been designated by the State Board of Education to fulfill the assessment requirement for certification in Missouri. The assessments are listed beside the certificates to which they correspond.

Missouri Certificate of License to Teach	Test Code	Designated Assessment
Early Childhood Education, Birth–Grade 3	10020	Early Childhood Education
Early Childhood Special Education, Birth–Grade 3	10690	Special Education: Preschool/Early Childhood
Elementary Education, Grades 1–6	10011	Elementary Education: Curriculum, Instruction, and Assessment
Middle School Education, Grades 5–9	—	—
Language Arts	10049	MS English-Language Arts: Content Knowledge
Mathematics	20069	MS Mathematics: Content Knowledge
Science	10439	MS Science: Content Knowledge
Social Science	20089	MS Social Studies: Content Knowledge
Other Middle School Subject Areas	30523	Principles of Learning and Teaching, Grades 5–9
Secondary Education, Grades 9–12 (except as noted)	—	—
Agriculture	10700	Agriculture
Art K–12, 9–12	10133	Art: Content Knowledge
Business Education	10100	Business Education
English	10041	English Language, Literature and Composition: Content Knowledge
Family and Consumer Science ¹	10120	Family and Consumer Science
Vocational and Non-Vocational		
Foreign Language: K–12		
French K–12	20173	French: Content Knowledge
German K–12	20181	German: Content Knowledge
Spanish K–12	10191	Spanish: Content Knowledge
Health K–12, 9–12	20550	Health Education
Industrial Technology	10050	Technology Education
Library Media Specialist, K–12	10310	Library Media Specialist
Marketing and Distributive Education	10560	Marketing Education
Mathematics	10061	Mathematics: Content Knowledge
Music: Instrumental, Vocal K–12	10113	Music: Content Knowledge
Physical Education K–9, K–12, 9–12	10091	Physical Education: Content Knowledge
Science:		
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
General Science	10435	General Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
Social Science	10081	Social Studies: Content Knowledge
Special Education, K–12		
Blind and Partially Sighted ²	10280	Teaching Students with Visual Impairments
Deaf and Hearing Impaired ²	10271	Education of Deaf and Hard of Hearing Students
Mild-Moderate Disabilities: Learning Disabled, Behavioral Disordered, Mentally Handicapped, or Physical and Other Health Impairments ²	20353	Education of Exceptional Students: Core Knowledge
Mild-Moderate Cross-Categorical Disabilities ^{2/3}	20353 and 10542	Educational of Exceptional Students: Core Content Knowledge
Severely Developmentally Disabled ²	20353 and 10544	Educational of Exceptional Students: Mild to Moderate Disabilities
<i>[Special Education, K–12³</i>	10350	<i>Educational of Exceptional Students: Core Knowledge</i>
<i>Mild-Moderate Disabilities (except cross-categorical), Blind/Partially Sighted, Hearing Impaired, Severely Developmentally Disabled]</i>		<i>Educational of Exceptional Students: Severe to Profound Disabilities</i>
Speech/Theatre	10220	Speech Communication
Speech and Language Specialist K–12 ^{4/5}	20330	Speech-Language Pathology

APPENDIX A—continued

<u>Missouri Certificate of License to Teach</u>	<u>Test Code</u>	<u>Designated Assessment</u>
Unified Science ^{1/4/3}	—	—
Biology	20235	Biology: Content Knowledge
Chemistry	20245	Chemistry: Content Knowledge
Earth Science	20571	Earth Science: Content Knowledge
Physics	10265	Physics: Content Knowledge
K-12 or 9-12 <i>[teaching certification]</i> certificate of license to teach for which no specialty area assessment or content knowledge assessment is designated.	30524	Principles of Learning and Teaching, Grades 7-12
School Counselor K-8, 7-12 ^{1/5/4}	20420	School Guidance and Counseling
School Psychologist K-12 ^{1/5/4}	10400	School Psychologist
Building-Level Administrator ^{1/5/4}	11010	School Leaders Licensure Assessment (SLLA)
Principal K-8, 5-9 , 9-12		
Special Education Administrator K-12		
Vocational School Director		
District-Level Administrator (Superintendent) K-12 ^{1/5/4}	11020	School Superintendent Assessment (SSA)

1. Additional certification by completion of the designated assessment only is limited to Non-Vocational.

1/2. Additional certification by completion of the designated assessments only is limited to Mild-Moderate Cross-Categorical Disabilities.

3. Additional certification by completion of the designated assessment only is not applicable in these categories of special education.]

2. Not available by completion of the designated assessment only; also requires completion of a program of study in special education with the area of specialization from a state-approved institution.

*1/4/3. Not available by completion of the designated assessment only; also requires completion of a program of study *[for]* in the unified science core with the area of specialization from a state-approved institution.*

1/5/4. Not available by completion of the designated assessment only; also requires completion of a program of study and a recommendation from a state-approved institution.

AUTHORITY: sections 161.092, 168.071, 168.081 and 168.400, RSMo Supp. 2002 and 168.011, 168.021, 168.405 and 168.409, RSMo 2000. Original rule filed April 26, 2000, effective Nov. 30, 2000. Amended: Filed March 27, 2001, effective Oct. 30, 2001. Amended: Filed March 1, 2002, effective Sept. 30, 2002. Amended: Filed Aug. 13, 2002, effective March 30, 2003. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities six hundred sixty dollars (\$660) in the aggregate for the Fiscal Year 2004, with that cost recurring annually over the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education. Attn: Dr. Mike Lucas, Director of Educator Preparation, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
Division: 80 - Teacher Quality and Urban Education
Chapter: 800 - Educator Certification
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 5 CSR 80-800.380, Required Assessments for Professional Education Certification in Missouri

II. SUMMARY OF FISCAL IMPACT

<u>Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:</u>	<u>Classification by types of the business entities which would likely be affected:</u>	<u>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities</u>
Applicants for Initial Missouri Certificate of License to Teach = 12 per year	Applicants for Initial Missouri Certificate of License to Teach in Special Education: Severely Developmentally Disabled, K-12	\$ 55 per person per year \$ 660 aggregate cost for Fiscal Year 2004 with that cost recurring over the life of the rule.

III. WORKSHEET

Following are estimated costs to applicants for taking the Praxis II assessments as a requirement for certification of license to teach in Missouri:

- Applicants for certification in Special Education: Severely Developmentally Disabled, K-12, will incur an extra cost for an additional assessment required for that area of certification.
- The cost includes the price of the additional assessment but not the registration fee, which is already included in the cost of the current assessment.
- Based upon information provided by DESE the following per year costs are estimated for applicants for the following area(s) of certification:

<u>Certification Area</u>	<u>No. of Applicants</u>	<u>Cost</u>	<u>Total</u>
Special Education: Severely Developmentally Disabled, K-12	12 applicants	X \$ 55	= \$ 660
Total Cost = \$ 660/year*			

*The total private entity annual cost is based upon the cost estimates of each component.

IV. ASSUMPTIONS

This cost may recur each year for the life of the rule and may vary slightly due to inflation.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 80—Teacher Quality and Urban Education
Chapter 800—Educator Certification

PROPOSED AMENDMENT

5 CSR 80-800.400 Procedure for Potential Candidates for Missouri Certificate of License to Teach with a Criminal History to Petition the State Board of Education for Background Clearance. The State Board of Education is amending the Purpose, sections (1), (2), (3), (4) and (5).

PURPOSE: *This amendment incorporates changes due to reorganization within the agency.*

PURPOSE: *This rule outlines the procedure for a potential candidate for Missouri certificate of license to teach with a criminal history to petition the State Board of Education for provisional background clearance.*

(1) Potential candidates for a Missouri certificate of license to teach who are currently enrolled in professional education courses in conjunction with state-approved teacher preparation programs may petition the State Board of Education (**board**) for **provisional** clearance of their background, enabling possible issuance of a Missouri certificate of license to teach upon completion of their teacher preparation program/s/ and pursuant to the rules promulgated by the board.

(2) A potential candidate may apply to petition the */State Board of Education* **board** for background clearance by completing and submitting the background check form. The form is provided by the */State Board of Education* **board** and may be obtained by writing the */Professional Conduct and Investigations* **Educator Certification** Section of the Department of Elementary and Secondary Education (**DESE**) at P.O./J Box 480, Jefferson City, MO 65102, or the form may be downloaded from the Internet. The form contains the following:

(D) Details regarding being found guilty, plea of guilty, receipt of a suspended imposition of sentence or entering a plea of *nolo contendere* for any violation of any laws of a state */or*, the United States **or any other country**, other than a traffic violation; and

(3) A potential candidate wishing to petition the */State Board of Education* **board** shall request and obtain documentation of current enrollment in a professional education course in conjunction with a state-approved teacher preparation program from the designated official of the institution.

(4) A potential candidate wishing to petition the */State Board of Education* **board** for background clearance shall request that each state or United States territory regulatory entity in which a */teaching certificate or similar title(s) and/or other* professional license */or similar title(s)* **including a certificate of license to teach** is held or has ever been held to submit verification of certification or licensure directly to */the department* **DESE**. *The verification shall include the certification or license issued, the number, status, issue and expiration dates, information regarding any disciplinary action, method of certification or licensure, the name and title of person verifying information with the date and seal/ including information regarding any disciplinary action.*

(5) The background check form is not considered officially filed with the board until it has been determined by the board or */department* **DESE** staff to be complete and the application is submitted on the forms provided by the board, signed and accompanied by two (2) full sets of fingerprints *[on cards provided by the board]* with the appropriate fee/s/ as set by the Missouri State Highway Patrol and/or the Federal Bureau of Investigations (FBI) and any other

applicable *[documentation]* forms and/or fees. All information should be received by the board within ninety (90) days of the date of the application.

(A) For the purpose of this rule, the fingerprint cards shall be completed by any law enforcement agency and sent directly to */the department* **DESE** *[from the law enforcement agency]*.

AUTHORITY: sections 168.011, 168.021, RSMo [1994] 2000 and 161.092, *[and]* 168.071₁,₂ and 168.081, RSMo Supp. [1999] 2003. Original rule filed Jan. 19, 2000, effective Aug. 30, 2000. Amended: Filed Sept. 12, 2003.

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Elementary and Secondary Education, Attention: Dr. Charles Brown, Assistant Commissioner, Division of Teacher Quality and Urban Education, PO Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 90—Vocational Rehabilitation
Chapter 7—Personal Care Assistance Program

PROPOSED AMENDMENT

5 CSR 90-7.010 Definitions. The State Board of Education is amending subsections (1)(F), (1)(O) and adding a new subsection (1)(P).

PURPOSE: *This amendment is needed to clarify and implement program changes.*

(1) Definitions. As used in this rule, except as otherwise required for the context, the following terms shall have the meanings ascribed:

(F) Participant-directed. Hiring, training, supervising and directing of the personal care attendant by the physically disabled person; excluding, but not limited to, the following:

1. Any individual with a legal designation, including guardianship, conservator, power of attorney, etc., that involves the authorization of another person to act as the agent for any of the duties required by the participant-directed program;

(O) Medicaid state plan (MSP) program. The MSP program provides PCA services, through a combination of federal and state funding sources, for the Medicaid-eligible client/consumers with physical disabilities who are “employed or ready for employment” to maintain or seek such employment or “live independently.”; and/or

(P) Cost Neutral. Overall cost of services to receiving agency should not exceed cost of services from transferring agency.

AUTHORITY: sections 161.092, RSMo Supp. 2003, 178.661 and 178.673, RSMo 2000. Original rule filed Jan. 10, 1985, effective May 13, 1985. Amended: Filed Aug. 1, 1988, effective Nov. 25, 1988. Emergency amendment filed Aug. 31, 1992, effective Sept. 10, 1992, expired Jan. 9, 1993. Amended: Filed Aug. 31, 1992, effective April 8, 1993. Amended: Filed May 31, 1994, effective Dec. 30, 1994. Amended: Filed Oct. 31, 1996, effective June 30, 1997. Amended: Filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, 3024 Dupont Circle, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND

SECONDARY EDUCATION

Division 90—Vocational Rehabilitation

Chapter 7—Personal Care Assistance Program

PROPOSED AMENDMENT

5 CSR 90-7.100 Eligibility. The State Board of Education is amending sections (2), (3), (4) and subsection (1)(C).

PURPOSE: This amendment is needed to clarify and implement program changes.

(1) Subject to legislative appropriations, the Division of Vocational Rehabilitation (DVR) shall provide financial assistance for the personal care assistance (PCA) program services through eligible providers to each client/consumer selected to participate and meeting the criteria:

(C) In addition to the above general criteria, persons eligible for Medicaid PCA services shall meet the following:

1. Document proof of Medicaid eligibility under Title XIX of the Social Security Act pursuant to federal/state laws and regulations; and

2. Participate in an assessment with the assessment team **or the Department of Health and Senior Services, Division of Senior Services (Division of Senior Services)** that utilizes a level of care evaluation tool that is approved by the state Medicaid agency and assigns a point value pursuant to federal/state laws and regulations.

A. The initial assessment shall be conducted in the individual's home or current place of residence at the time of application. If the individual is in the process of relocation, the assessment shall be conducted at the new residence.

(2) Individuals eligible for Medicaid under Title XIX of the Social Security Act who do not meet the above criteria for PCA shall be referred to the Division of **/Aging/ Senior Services** or other agencies as appropriate, to determine eligibility for PCA services pursuant to state laws and regulations.

(3) The assessment team must consist of an independent living specialist, rehabilitation counselor, and a medical professional from physical therapy, occupational therapy, or a registered nurse. Other team members may include additional service providers, including Division of **/Aging/ Senior Services** personnel. When a client/consumer is currently receiving PCA services from another agency and wishes to transfer PCA services to DVR, the other agency's case manager should be consulted for planning purposes:

(4) The PCA services plan (plan of care) is based on the assessment/evaluation performed by the assessment team **or Division of Senior Services** and determines the appropriateness and adequacy of services, ensures the services furnished are consistent with the nature

and severity of the individual's disability. If a client/consumer transfers from or is shared with the Division of Senior Services, a new evaluation and PCA services plan (POC) is required but must maintain cost neutrality through the next regularly scheduled assessment date, unless undue hardship is documented. The plan of care will be available for review upon proper release by the client's/consumer's physician:

AUTHORITY: sections 161.092, **RSMo Supp. 2003**, 178.662, 178.666 and 178.673, **RSMo 2000**. Original rule filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, 3024 Dupont Circle, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND

SECONDARY EDUCATION

Division 90—Vocational Rehabilitation

Chapter 7—Personal Care Assistance Program

PROPOSED AMENDMENT

5 CSR 90-7.200 Providers. The State Board of Education is amending subsections (2)(D), (3)(C), (3)(D), (3)(I), (3)(J), (3)(K), (3)(L), (3)(M), (3)(N) and (3)(R).

PURPOSE: This amendment is needed to clarify and implement program changes.

(2) DVR will monitor the certified PCA providers' responsibilities. In addition, DVR will administer the following fiscal services:

(D) One (1) hour of PCA service equals **[one (1)] four (4)** units; and

(3) Certified PCA providers shall be responsible for the following:

(C) Maintaining a list of personal care attendants available for selection by the client/consumer. The attendants are employees of the client/consumer only for the time period subsidized with PCA funds, but are never employees of DVR or the state of Missouri. The attendants must meet the following qualifications:

1. Be at least eighteen (18) years of age;
2. Meet the physical and mental demands required to perform specific tasks required by a particular client/consumer;
3. Agree to maintain confidentiality;
4. Be emotionally mature and dependable;
5. Be able to handle emergency type situations; **[and]**
6. Not be the client's spouse; **and**

7. Register with the Family Care Safety Registry pursuant to applicable state laws and regulations;

(D) Public information, outreach and education activities to ensure that persons with disabilities are informed of the services available and have maximum opportunity for participation $/$:

1. PCA providers shall not solicit any person to become a client/consumer;

(I) Maintain confidentiality of client/consumer records and eligibility information from DVR pursuant to applicable federal/state laws and regulations;

(J) Conduct assessments and re-evaluations for determining eligibility and the need for continued attendant care based on unmet need;

(K) Document that a valid written plan of care was developed by the assessment team, **Department of Health and Senior Services, Division of Senior Services** and/or qualified individuals for each client/consumer prior to the provision of PCA services;

(L) Perform case management activities with the consumer at least monthly, to provide ongoing monitoring of the provision of services in the plan of care and other services as needed to live independently;

(M) Ensure that the client's/consumer's case file contains at a minimum, the following:

1. Written plan of care that documents the type of services and quantity of units to be provided;

2. The client's/consumer's service time sheets contain the following information:

- A. Attendant's name;
- B. Client's/consumer's name;
- C. Dates of service delivery;
- D. Time spent;
- E. Types of activities performed on each date;
- F. Attendant's signature each day; and
- G. Client's/consumer's verifying signature;

3. Copies of all correspondence with DVR, the client's/consumer's physician or other service providers, including but not limited to other administrative agencies;

4. Signed documentation that indicates the client/consumer has been informed of their rights concerning background checks, advanced directives, hearings and participant responsibilities[/:];

A. Hearing rights and participant choice and responsibilities forms must comply with Medicaid and/or DVR requirements;

5. Documentation of training provided to client/consumer in the skills needed to understand and perform the essential functions of an employer;

6. For clients/consumers eligible for services under Title XIX of the Social Security Act, the assessment shall be available for review upon proper release by a physician possessing a valid license pursuant to state laws and regulations;

7. Evaluations and/or assessments;

8. Annual financial documentation for the non-medicaid eligible (NME) program to include the financial application or documentation of Medicaid eligibility for the Medicaid state plan program; and

9. Any pertinent documentation regarding the client/consumer;

(N) Perform duties necessary to coordinate accounting processing requirements, including the following but not limited to:

1. Utilize DVR approved time sheets, [A]accumulate time sheets, certify accuracy and forward a copy to DVR for processing;

2. File original time sheet in client's/consumer's case file;

3. Maintain required client/consumer payroll information on a computer system compatible with DVR's PCA computer system;

4. Monitor utilization of hours by the client/consumer at least monthly;

5. Be responsible for any federal and/or state funds for attendant services that are deferred or ultimately disallowed arising from a failure to comply with a federal and/or state requirement; and

6. Provide as requested by DVR, the information necessary to conduct state or federal audits or both;

(R) Submit an annual audit by a properly licensed independent practitioner (certified public accountant licensed in the state of Missouri) [in accordance with all] pursuant to applicable federal [and] state laws and regulations, including any audit parameters as established by DVR. The audit report must be submitted to

DVR within ninety (90) days after the end of the provider's fiscal year.

AUTHORITY: sections 161.092, **RSMo Supp. 2003**, 178.662, 178.664, 178.666, 178.669 and 178.673, **RSMo 2000**. Original rule filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessel, Assistant Commissioner, 3024 Dupont Circle, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 90—Vocational Rehabilitation

Chapter 7—Personal Care Assistance Program

PROPOSED AMENDMENT

5 CSR 90-7.320 Hearings. The State Board of Education is amending sections (2), (3), (5) and (6).

PURPOSE: This amendment is needed to clarify and implement program changes.

(2) An applicant or client/consumer may request a hearing in writing by contacting the assistant commissioner, Division of Vocational Rehabilitation (DVR) within [thirty (30)] ninety (90) days of denial of eligibility, denial of financial assistance, the determination of financial assistance, discontinuation, suspension or reduction of services[, or the signing of the plan of care].

(3) A hearing will be held by the assistant commissioner, or his/her designee (**impartial** hearing officer), within forty-five (45) days of the request unless a party requests a specified time extension.

(5) Copies of all correspondence, reports of contact and written decisions rendered by the **impartial** hearing officer shall be placed in the applicant's or client's/consumer's case file at the center for independent living.

(6) The **impartial** hearing officer will make a decision based upon the provisions of the approved state plan, the federal act and/or applicable regulations, and appropriate state laws and/or regulations. A written report will be submitted to the applicant or client/consumer, or if appropriate, the individual's representative, the case file and to the assistant commissioner within a timely manner.

AUTHORITY: sections 161.092, **RSMo Supp. 2003**, 178.671 and 178.673, **RSMo 2000**. Original rule filed June 28, 2001, effective Jan. 30, 2002. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment is estimated to cost state agencies or political subdivisions five thousand one hundred dollars (\$5,100) in Fiscal Year 2004 with that cost recurring annually over the life of the rule.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Division of Vocational Rehabilitation, Attention: Mr. Ronald W. Vessell, Assistant Commissioner, 3024 Dupont Circle, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Title: 5 - Department of Elementary and Secondary Education
 Division: 90 - Division of Vocational Rehabilitation
 Chapter: 7 - Personal Care Assistance Program
 Type of Rulemaking: Proposed Amendment
 Rule Number and Name: 5 CSR 90-7.320 Hearings

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Elementary and Secondary Education	\$5,100 in FY04 with that cost recurring annually over the life of the rule

III. WORKSHEET

FY03 – 51 appeals
 Contract cost for hearing officers \$50.00 per hour
 Two hours per appeal – one for the hearing and one for documentation / report preparation.
 $51 \text{ appeals} \times \$50 \text{ per hour} \times 2 \text{ hours} = \$5,100$

Expenses	Amount
Hearing Officers	\$5,100

IV. ASSUMPTIONS

- Hearings will remain consistent with current growth of program.
- Hearing officers can be contracted at a rate of \$50 per hour for services.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for Community-Based Services

PROPOSED RULE

9 CSR 45-5.105 Definitions for Fire Safety Rules

PURPOSE: This rule establishes definitions for the fire safety rules promulgated under this chapter.

(1) The following terms shall mean:

(A) Alterations, changes made to the structure or floor plan of the facility by removing or adding walls and doors or adding space;

(B) Commercial range is any range or stovetop classified as commercial by the manufacturer or larger in size than a common residential range, equipped with four (4) or more burners/elements and may be equipped with a cooking grill or griddle surface;

(C) Dead-end is a corridor or hallway with no exit at the end that causes occupants to retrace their path to reach an exit;

(D) Exit is the portion of a means of egress that is separated from all other areas of the building or structure by construction or equipment required to provide a protected way of travel to the exit discharge. Exits include exterior exit doors, exit passageways, horizontal exits, separated exit stairs, and separated exit ramps;

(E) Exit access is the portion of a means of egress that leads to an exit;

(F) Exit discharge is the portion of a means of egress between the termination of an exit and a public way;

(G) Fire barrier is a structural element, either vertical or horizontal, such as a wall or floor assembly that is designed and constructed with a specified fire resistance rating to limit the spread of fire and restrict the movement of smoke. Such barriers may have protected openings;

(H) Fire door is a combination of the fire door, frame, hardware and other accessories which together provide a specific degree of fire protection to the opening;

(I) Fire resistance rating is the length of time in minutes or hours that materials or structural elements can withstand fire exposure;

(J) Flame resistant material is the property of material or their structural elements that prevents or retards the passage of excessive heat, hot gases, or flames under the conditions in which they are used;

(K) Flame retardant is a chemical applied to material or other substance that is designed to retard ignition or the spread of fire;

(L) Home type range is a typical home type cooking stove;

(M) Interior finish includes the interior wall and ceiling finish, and interior floor finish;

(N) Level exit discharge is a horizontal plane that is located from the point at which an exit terminates and the exit discharge begins. The horizontal plane shall not vary more than two inches (2") in rise or fall;

(O) Level is the portion of a building included between the upper surface of a floor and the ceiling above it, or any upper surface of a floor and the ceiling above it that is separated by more than five (5) steps on a stairway;

(P) Means of egress is a continuous and unobstructed way of travel from any point in a building or structure to a public way. A means of egress consists of three (3) distinct parts: the exit access, the exit, and the exit discharge;

(Q) Means of escape is a way out of a residential unit that does not conform to the strict definition of means of egress but does meet the intent of the definition by providing an alternative way out of a building;

(R) Mixed occupancy is when a facility is located in the same building or structure as another occupancy. This may include a business or place of assembly;

(S) Public way is a street, alley, or other similar parcel of land essentially open to the outside air that is deeded, dedicated, or otherwise permanently appropriated to the public for public use and having a clear width and height of not less than ten feet (10');

(T) Remote exit or means of egress is when two (2) exits or two (2) exit access doors are required. Each exit or exit access door shall be placed at a distance apart equal to at least one-half (1/2) the length of the maximum overall diagonal dimension of the building or area to be used;

(U) Self-closing means to be equipped with an approved device that will ensure closing after having been opened;

(V) Smoke barrier is a structural element, either vertical or horizontal, such as a wall, floor, or ceiling assembly that is designed and constructed to restrict the movement of smoke. A smoke barrier may or may not have a fire resistance rating; and

(W) Supervised automatic sprinkler system is a system with the initiating devices monitored by the fire alarm control panel. This may include switches used to monitor the position of valves, a low air pressure switch, a water flow switch, and a tamper switch.

(2) In the context of rules promulgated under 9 CSR 45, the term department shall mean the Department of Mental Health (DMH).

(3) Terms not defined in this rule shall be understood as defined in the fire safety code of the National Fire Protection Association.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for Community-Based Services

PROPOSED RULE

9 CSR 45-5.110 Fire Safety for On-Site Day Habilitation

PURPOSE: This rule establishes fire safety requirements for on-site day habilitation funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) People participating in on-site day habilitation shall be restricted to using the floor of the building that is at ground level exit discharge. Exception: People participating in on-site day habilitation may use the floor below and above the level of exit discharge if the entire building is protected throughout with an approved automatic sprinkler system.

(B) No on-site day habilitation shall be located in the same building as a high hazard occupancy.

(C) The staff of the facility shall conduct at least one (1) fire drill at least once a month. In addition, a disaster drill will be conducted at least twice per year. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, whether the evacuation was completed, notation of any problems evacuating, and the number of occupants present during the drill.

(D) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(E) During severe weather, fire drills may be postponed.

(F) Each fire drill shall evacuate all persons from the building and shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;
3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or to a predetermined point inside of the building to defend in place; and
4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(G) No window in a facility shall have bars or any other item placed over it in a stationary manner that would impede a rescue or evacuation attempt.

(H) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, medicines, or other hazardous items shall be stored so as to be inaccessible to the occupants.

(I) The building numbers shall be plainly visible from the street in case of emergency.

(J) Good housekeeping practices ensuring fire safety will be maintained daily.

(K) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(L) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal inspector.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit; the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to request these inspections in a timely manner may result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal inspector for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified day program facility shall be inspected at least once annually by a state fire marshal inspector. The Department of Mental Health will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the facility shall have not less than two (2) remotely located means of egress. Each exit door shall not be less than thirty-two inches (32") wide and shall be thirty-six inches (36") wide in all new construction.

(B) In addition to the primary route, each room or occupied space shall have a second means of escape that consists of one (1) of the following:

1. A door, stairway, passage, or hall providing a way of unobstructed travel to the outside of the dwelling at street or ground level that is independent of and remotely located from the primary means of escape.

2. A passage through an adjacent non-lockable space, independent of and remotely located from the primary means of escape, to any approved means of escape.

(C) No door in the path of travel to the means of egress shall be less than thirty-two inches (32") wide in an existing facility.

(D) At no time shall the occupants of the facility exit through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the state fire marshal inspector.

(E) All exit doors shall swing in the direction of egress travel and have door closures attached. In smaller facilities that care for ten (10) or fewer clients, the exit doors may swing inward providing all of the clients are ambulatory. Door closures are not required in smaller facilities.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal.

(G) Lighted exit signs with a battery backup shall be installed above exit doors and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of non-combustible materials;

2. The maximum rise shall be eight inches (8");
3. The minimum tread shall be nine inches (9");
4. The maximum height between landings shall be twelve feet (12');
5. The minimum landing size shall be forty-four inches (44");
6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread;
7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size;
8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached; and
9. Spiral staircase or winder is not permitted.

(N) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.
2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.
3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(O) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(P) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Windows for Emergency Rescue and Ventilation.

(A) Every room or space greater than three hundred (300) square feet used by clients shall have at least one (1) outside window for emergency rescue and ventilation. The window shall be operable from the inside without the use of tools and shall provide a clear opening of at least twenty inches (20") wide, twenty-four inches (24") in height. The total clear opening space shall be no less than 5.7 square feet in size. The bottom of the opening shall be no more than forty-four inches (44") above the floor and any latching device shall be operated easily. The clear opening shall be a rectangular solid, with a minimum width and height that provides the required 5.7 square feet opening and a minimum depth of twenty inches (20") to allow passage through the opening. The windows shall be accessible by the fire department and shall open into an area having access to a public way.

(B) Subsection (3)(A) does not apply in the following situations:

1. In buildings protected throughout by an approved, supervised automatic sprinkler system; or
2. When the room or space has a door leading directly to the outside of the building.

(4) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance in (A) and (B) above shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the state fire marshal inspector, based on the National Fire Protection Association Standards for Sprinkler Systems.

(5) Protection.

(A) Any vertical openings and stairwells shall be enclosed and protected with a one (1)-hour fire barrier and self-closing device attached to the door.

(B) All furnace rooms, rooms containing water heaters, boiler rooms and storage rooms shall be separated from the remainder of

the building by construction having not less than a one (1)-hour fire resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a one (1)-hour fire resistive rating. The one (1)-hour rating required for these rooms or areas are not required if the facility installs an automatic sprinkler head supplied by the domestic water supply or has an approved automatic sprinkler system. A fire alarm initiating device shall be installed in the rooms or areas.

(C) On-site developmental habilitation shall be separated from other occupancies in the same building in accordance with the following:

Use Group	Fire Wall Separation in Hours
Place of assembly	2
Business	1
Mercantile	2
Institutional restrained	1
Hotels or dormitories	2

(6) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the state fire marshal inspector to review. An exception can be made for window valances and shall be noted by the inspector on the fire inspection survey.

(7) Detection, Alarms, Extinguishment.

(A) All on-site day habilitation programs serving fifty (50) people or less shall have smoke detectors installed on each level, in all occupied spaces, storage rooms and throughout all corridors and in all other locations as deemed necessary by the state fire marshal inspector. All smoke detectors shall be powered by the building's electrical system and have a nine (9)-volt battery backup and be interconnected. Smoke detectors shall be installed and arranged so that the activation of any smoke detector causes the operation of an alarm in all detectors that is clearly audible throughout the building, including in bathrooms, corridors, and activity rooms, and above the noise of radios, televisions, and noises of normal activity.

(B) All on-site developmental habilitation serving fifty (50) people or more shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn shall be installed in a central location on each floor. Smoke detectors shall be installed in all rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal inspector as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be Underwriters Laboratories, Inc. (UL) or Factory Mutual (F.M.) listed and installed on a dedicated circuit in the breaker box. The fire alarm system shall be installed and maintained in good working order.

(C) The fire alarm system shall be monitored by a monitoring company or transmitted directly to the fire department when fifty (50) or more clients are present.

(D) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the

test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector and the department.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) Any day program that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the building. The state fire marshal inspector may require additional requirements for the hearing-impaired occupants to insure adequate modification.

(G) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference. All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detectors manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(H) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal may require additional carbon monoxide detectors if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the building's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the facility verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal inspector, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants in care, the state fire marshal shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the state fire marshal inspector and determined safe before the occupants can return to the building or the facility can reopen.

(I) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(J) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(8) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the facility with a wood burning stove, fireplace, or wood burning furnace located inside of the structure.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and be properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) Gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room having a fire rating of thirty (30) minutes. The door to this room shall also have a fire rating of thirty (30) minutes and have a door closure attached.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal.

(M) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(9) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal inspector.

(10) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency

and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for Community-Based Services

PROPOSED RULE

9 CSR 45-5.130 Fire Safety for Residential Habilitation for 4-9 People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving four to nine (4-9) people funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and one (1) disaster/weather drill per quarter, with a minimum of one (1) fire and one (1) disaster/weather drill per year conducted while the residents are sleeping. A drill must be conducted within one (1) week of the arrival of a new resident. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, whether the evacuation was completed, notation of any problems evacuating, and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;

2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;

3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or in case of disaster/weather drill to a predetermined point inside of the building; and

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

5. Exception. If there is potential harm to residents during drills because a resident is medically fragile, the provider may arrange the drill to not involve the medically fragile. However, all residents who are medically fragile must participate in a drill at least once per year. This must be documented in the home.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. If there are firearms and/or ammunition on the premises, they shall be kept in a locked space and residents shall not have access.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal inspector.

(L) Candles and other devices that have an open flame shall not be used indoors. However, short-term supervised use of candles for special occasions or dinners is permitted.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit, the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections constitutes cause for disapproval by the Division of Fire Safety.

(S) Facilities that were certified and areas approved for care prior to the effective date of this rule shall have ceilings at least seven feet (7') in height. Facilities initially certified and areas initially approved

for care on or after the effective date of this rule shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height. If structural alterations are made in facilities certified prior to the effective date of this rule, those facilities shall meet all the requirements of this rule and shall have ceilings at least seven feet, six inches (7'6") in height in the altered space. Allowance will be made by the state fire marshal inspector for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The Department of Mental Health will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty inches (30") wide, except that newly constructed doorways shall be at least thirty-six inches (36") wide.

(B) Wheelchairs, walkers, and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty inches (30") wide. Except that newly constructed doorways shall be at least thirty-six inches (36").

(D) No primary means of escape or planned exit shall lead through a bathroom, storage room, furnace room, garage, or any other room deemed hazardous by the fire inspector. Exception: Kitchens shall not be considered hazardous unless they have commercial stoves without extinguishing equipment or other features that lend themselves to rapid fire development.

(E) All required outside exit doors shall swing in the direction of egress travel if there are more than six (6) residents living in the home and one (1) or more person(s) is nonambulatory. In other words, if there are six (6) residents or less and all are ambulatory, the required exit doors do NOT have to swing in the direction of egress travel.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The state fire marshal inspector shall determine the location and number of emergency lights.

(G) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(H) Overhead garage doors are not recognized as exit doorways.

(I) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(J) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(K) Dead-end corridors/hallways shall not exceed twenty feet (20').

(L) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. New fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").
3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches by forty-four inches (44" × 44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircases or winders are not permitted.

(M) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(N) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(O) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access and an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance between any point in a sleeping room and an exit access door in that room shall not exceed fifty feet (50'). Exception: The travel distance in (A) and (B) of this subsection shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the state fire marshal inspector, based on the National Fire Protection Association, Standards for Sprinkler Systems.

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. All doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Exception. Specific residential facilities that were certified prior to the effective date of this rule without twenty (20)-minute fire barriers in interior stairways as required by subsection (4)(A) shall be considered in compliance with current requirements, unless renovations or significant changes have occurred in the way the building is being used or the number of residents are increased.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by a construction having not less than a twenty (20)-minute fire resistance rating. Doors to these rooms must be closed at all times. Doors to these rooms shall also have a twenty (20)-minute fire rating or be a minimum of one and three-fourths inches (1 3/4") thick solid core. The door(s) shall also have door closure(s) attached.

(D) Exception. The twenty (20)-minute fire resistance rating required for rooms or areas listed in subsection (4)(C) of this rule is

not required if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system and a fire alarm initiating device shall be installed in the high hazard area.

(E) Every unoccupied attic space shall be subdivided by draft stops having a one (1)-hour fire rating, into areas not to exceed three thousand (3,000) square feet. Exception: Subdivisions described in this subsection are not required if the space is protected throughout by an approved, automatic sprinkler system.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the fire inspector to review. Exception shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms, offices, and any other areas that are deemed necessary by the state fire marshal inspector. Smoke detectors shall be in good operating condition and functional at all times. Smoke detectors may be battery powered. However, if smoke detectors are not operational during two (2) separate inspections, the facility will be required to install smoke detectors that are powered by the home's electrical system and have a nine (9)-volt battery backup. These detectors shall be interconnected so that the activation of one (1) detector will cause an alarm in all detectors. Smoke detectors that are not operational must be documented on inspection surveys.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal inspector to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any residence that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal inspector may require additional requirements for the hearing-impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All homes with fire alarm systems shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the residence for review by the state fire marshal inspector.

(G) Residences using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors

if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the residence shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the residence has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal inspector shall take measures necessary to protect the occupants. This may include evacuation of the home or closing the residence. The residence shall obtain and have on file at the home, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The residence shall be re-inspected by the state fire marshal inspector and determined safe before the occupants can return to the home or the residence can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all homes. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the home and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Homes initially obtaining certification and areas initially certified on or after the effective date of this rule shall meet the following requirements of subsections (6)(J) and (6)(K) of this rule. Homes using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations. Exceptions: 1) Home type ranges separated by an eighteen inch (18") cabinet shall not be required to have an extinguishing system installed above them. 2) Facilities that cook on a home type range with no more than four (4) burners and/or grill, does not need to install a fire extinguishing system above the range.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat. Fireplaces need to be approved for use by the state fire marshal inspector.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly

sized pressure relief valve and properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that are heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, and hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, it shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room having a fire rating of thirty (30) minutes. The door to this room shall also have a minimum thirty (30)-minute fire rating and have a door closure attached.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal inspector.

(M) Any furnace or air handling equipment that has airflow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal inspector. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of Underwriters Laboratories, Inc. (UL) approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior

quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 9—DEPARTMENT OF MENTAL HEALTH Division 45—Division of Mental Retardation and Developmental Disabilities Chapter 5—Standards for Community-Based Services

PROPOSED RULE

9 CSR 45-5.140 Fire Safety for Residential Habilitation for 10-16 People

PURPOSE: *This rule establishes fire safety requirements for residential habilitation homes serving ten to sixteen (10-16) people funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.*

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and disaster drill at least once a month, with a minimum of two (2) drills conducted annually while the residents are sleeping. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building whether the evacuation was completed, notation of any problems evacuating, and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;
3. The occupants and staff members shall proceed to a predetermined point outside the building that is sufficiently remote to avoid fire danger, or to a predetermined point inside of the building; and

4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. No firearms and/or ammunition are allowed on the premises.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the state fire marshal.

(L) Candles and other devices that have an open flame shall not be used indoors. However, short-term supervised use of candles for special occasions or dinners is permitted.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit; the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to request these inspections in a timely manner may result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty inches (30") wide, except that newly constructed doorways shall be at least thirty-six inches (36").

(B) Wheelchair, walkers and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty inches (30") wide. Except that newly constructed doorways shall be at least thirty-six inches (36").

(D) No primary means of escape shall lead through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the fire marshal.

(E) All exit doors shall swing in the direction of egress travel and shall have door closures attached.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal inspector.

(G) Lighted exit signs with a battery backup shall be installed above exit door and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) Each wing or corridor of the facility shall be separated into fire compartment areas by fire doors and walls, having not less than a one (1) hour rating. All fire doors shall be equipped with a door closure and may be held open at all times with an electrical magnetic switch that is interconnected to the fire alarm system.

(N) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches (44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircase or winder is not permitted.

(O) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(P) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(Q) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access and an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) The travel distance between any point in a sleeping room and an exit access door in that room shall not exceed fifty feet (50'). Exception: The travel distance in (A) and (B) of this section shall be permitted to be increased by fifty feet (50') in buildings protected throughout by a supervised automatic sprinkler system that is approved by the fire marshal, based on the National Fire Protection Association, Standards for Sprinkler Systems.

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. Any doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Interior stairways shall be closed with one (1)-hour-fire barriers, with all openings equipped with smoke actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by construction having not less than a one (1)-hour fire-resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a minimum one (1)-hour fire rating.

(D) Exception. The one (1)-hour fire resistance rating required for rooms or areas listed in subsection (4)(C) of this rule is not required if the facility installs a sprinkler head off the domestic water supply or has an approved automatic sprinkler system and a fire alarm initiating device shall be installed in the high hazard area.

(E) Every unoccupied attic space shall be subdivided by draft stops having a one (1)-hour fire rating, into areas not to exceed three thousand (3,000) square feet. Exception: Subdivisions described in this subsection are not required if the space is protected throughout by an approved, automatic sprinkler system.

(F) All doors to sleeping rooms shall have a fire resistance rating of twenty (20) minutes.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these

fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the state fire marshal to review. Exception shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) All facilities shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe shall be installed in a central location on each floor. Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal inspector as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be Underwriters Laboratory (UL) or Factory Mutual (F.M.) listed and installed on a dedicated circuit breaker box. The fire alarm system shall be installed and maintained in good working order and shall be UL or F.M. listed. The fire alarm system shall be installed and maintained per the National Fire Alarm Code (NFPA 72) and the *National Electrical Code*.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any residence that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal may require additional requirements for the hearing-impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal.

(G) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors if the state fire marshal determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and

the facility is determined safe by the state fire marshal, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the state fire marshal and determined safe before the occupants can return to the building or the facility can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Facilities using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, or a home type range that produces a grease laden vapor shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations. Exception: 1) Home type ranges separated by an eighteen inch (18") cabinet shall not be required to have an extinguishing system installed above them. 2) Facilities that cook on a home type range, and have a menu that does not include frying, or emitting a grease laden vapor, and has approval letter from the Department of Mental Health, does not need to install a fire extinguishing system above the range.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and be properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recom-

mended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, they shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as described in subsection (4)(C) of this rule.

(J) All furnace rooms and rooms containing the hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal.

(M) Any furnace or air handling equipment that has air flow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or if it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of Underwriters Laboratories, Inc. (UL) approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Mental Retardation and
Developmental Disabilities
Chapter 5—Standards for Community-Based Services

PROPOSED RULE

9 CSR 45-5.150 Fire Safety for Residential Habilitation for 17 or More People

PURPOSE: This rule establishes fire safety requirements for residential habilitation homes serving seventeen (17) or more people funded through the Medicaid home and community-based waiver. The department delegates its authority for fire safety inspections under this rule to the Department of Public Safety, Division of Fire Safety.

(1) General Requirements.

(A) The staff shall conduct at least one (1) fire drill and one (1) disaster drill per month, with a minimum of two (2) drills, one (1) fire and one (1) disaster, conducted annually while the residents are sleeping. The staff shall maintain a written record at the facility of the date, type of drill, time required to evacuate the building, whether the evacuation was completed, notation of any problems evacuating, and number of occupants present during the drill.

(B) Unscheduled drills shall be held at the state fire marshal inspector's discretion.

(C) During severe weather, fire drills may be postponed.

(D) Each fire drill shall evacuate all persons from the building, or evacuate to an area of refuge and defend in place. Each fire drill shall be conducted as follows:

1. Drills shall simulate an actual fire condition;
2. Occupants and staff members shall not obtain clothing or personal effects after the alarm has sounded;
3. The occupants and staff members shall proceed to a pre-determined point outside the building that is sufficiently remote to avoid fire danger, or in case of disaster drill to a pre-determined point inside of the building; and
4. Occupants and staff members shall remain in place until a recall is issued or until they are dismissed.

(E) No window in a facility shall have bars or any other item placed over them in a stationary manner that would impede a rescue or evacuation.

(F) All flammable/combustible liquids, matches, toxic cleaning supplies, poisonous materials, or other hazardous items shall be stored so as to be inaccessible to the occupants if the occupants cannot handle the materials safely. No firearms and/or ammunition are allowed on the premises.

(G) Clothes dryers shall be vented and maintained properly.

(H) The house numbers shall be plainly visible from the street in case of emergency.

(I) Good housekeeping practices ensuring fire safety will be maintained daily.

(J) Stairways, walks, ramps, and porches shall be kept free of ice and snow.

(K) No fresh-cut Christmas trees shall be used unless they are treated with a flame resistant material. Documentation of the treatment shall be on file at the facility and available for review by the fire inspector.

(L) Candles and other devices that have an open flame shall not be used indoors. However, short-term supervised use of candles for special occasions or dinners is permitted.

(M) The facility shall notify the nearest fire department that the facility is in operation and have required signed documentation (fire department notification form) on file at the facility.

(N) Facilities served by a volunteer or membership fire department shall be a member in good standing with the fire department. A copy of the membership or receipt for membership shall be on file at the facility and available for review.

(O) The facility shall as soon as practical report any fire in the facility to the state fire marshal's office and the Department of Mental Health.

(P) The Division of Fire Safety may make additional requirements that provide adequate life safety protection if it is determined that the safety of the occupants is endangered. Every building or structure shall be constructed, arranged, equipped, maintained, and operated to avoid danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time necessary for escape from the building.

(Q) Prior to new construction, remodeling existing structures, and any structural alterations to existing facilities, the provider shall submit two (2) copies of plans and specifications prepared to scale for review and approval. One (1) copy shall be submitted to the Department of Mental Health's Licensure and Certification Unit; the second copy to the state fire marshal. The plans shall include a narrative indicating the utilization of each area of the facility. The architect or contractor shall certify in writing that the plans are in compliance with these certification rules. The provider shall not begin construction until the plans have been reviewed by the state fire marshal inspector. All plans for new construction, remodeling or additions shall comply with the Americans with Disabilities Act, Accessibility Guidelines.

(R) During the construction or remodeling process, the provider shall request a framing and wiring inspection and an inspection for the rough-in wiring for the fire alarm system by the Division of Fire Safety before the walls are enclosed. Failure to have these inspections conducted will result in an unapproved fire inspection from the Division of Fire Safety.

(S) The ceiling height in all facilities shall be a minimum of seven feet six inches (7'6"). An allowance will be made by the state fire marshal for some areas that are below seven feet six inches (7'6") for the installation of ductwork and plumbing. No more than forty percent (40%) of the ceiling in each room shall be below minimal height.

(T) Facilities shall comply with all local building codes, fire codes and ordinances.

(U) The latest edition of the National Fire Protection Association, Chapter 101, *Life Safety Code* shall prevail in the interpretation of these rules.

(V) Each certified residential facility shall be inspected at least once annually by a state fire marshal inspector. The department will initiate the fire safety inspection. If a facility is found out of compliance with the fire safety rules, the department will apply procedures for achieving compliance as promulgated under 9 CSR 45-5.060.

(2) Means of Egress Requirements.

(A) Each floor occupied in the home shall have not less than two (2) remotely located means of egress. Required means of egress shall not be a window. Each exit door shall not be less than thirty-six inches (36") wide.

(B) Wheelchair, walkers and other support equipment shall not be stored in corridors.

(C) No door in the path of travel to the means of egress shall be less than thirty-six inches (36") wide.

(D) No primary means of escape shall lead through a bathroom, storage room, furnace room, kitchen, garage, or any other room deemed hazardous by the state fire marshal inspector.

(E) All exit doors shall swing in the direction of egress travel and shall have door closures attached.

(F) Emergency lighting that has a battery backup shall be installed to light the path of egress. The location and number of emergency lights shall be determined by the state fire marshal inspector.

(G) Lighted exit signs with a battery backup shall be installed above exit door and as needed throughout the facility to direct the occupants to the exits.

(H) No dead bolt locks that require a key to unlock the lock from the inside shall be allowed.

(I) Overhead garage doors are not recognized as exit doorways.

(J) Mirrors shall not be placed on exit doors or adjacent to any exit in such a manner to confuse the direction of the exit. All exit doors shall be readily recognizable.

(K) All hallways shall have a clear width of at least thirty-six inches (36") wide and shall be kept free of all articles that might impede the occupants' evacuation from the home.

(L) Dead-end corridors/hallways shall not exceed twenty feet (20').

(M) Each wing or corridor of the facility shall be separated into fire compartment areas by fire doors and walls, having not less than a one (1) hour rating. All fire doors shall be equipped with a door closure and may be held open at all times with an electrical magnetic switch that is interconnected to the fire alarm system.

(N) Facilities initially certified and areas initially approved on or after the effective date of this rule, shall meet the following requirements. All facilities that have a set of stairs, or use stairs as a fire escape shall be constructed as follows:

1. All stairs shall be at least thirty-six inches (36") wide. Fire escapes shall be constructed of noncombustible materials. Existing fire escapes shall be of sturdy construction and, at the discretion of the fire marshal, may be required to be load tested.

2. The maximum rise shall be eight inches (8").

3. The minimum tread shall be nine inches (9").

4. The maximum height between landings shall be twelve feet (12').

5. The minimum landing size shall be forty-four inches (44").

6. Handrails shall be placed on both sides and shall be of sturdy construction and positioned thirty-four to thirty-eight inches (34"-38") above the tread.

7. The outside diameter of the handrails shall be at least one and one-fourth inches (1 1/4") and no greater than two inches (2") in size.

8. Handrails shall provide a clearance of at least one and one-half inches (1 1/2") between the handrail and the wall or upright to which it is attached.

9. Spiral staircase or winder is not permitted.

(O) Every ramp used in the component of the means of egress shall be a minimum of forty-four inches (44") wide, and have landings at the top and bottom being the same width as the ramp. Ramp height shall comply with the following:

1. Ramps less than three inches (3") in height shall have a slope of one inch (1") per eight inches (8") of run.

2. Ramps with a height of three to six inches (3"-6") shall have a slope of one inch (1") per ten inches (10") of run.

3. Ramps with a height greater than six inches (6") shall have a slope of one inch (1") per twelve inches (12") of run.

(P) All ramps shall have a slip-resistant surface and shall be designed so that water or snow shall not accumulate on their surface.

(Q) All ramps over ten inches (10") in height shall have guardrails and handrails on both sides.

(3) Travel Distance to Exits.

(A) The travel distance between any room door intended as an exit access or an exit shall not exceed one hundred feet (100').

(B) The travel distance between any point in a room and an exit shall not exceed one hundred fifty feet (150').

(C) At the discretion of the state fire marshal inspector and in consideration of the presence of an automated sprinkler system, the distances in subsections (A) and (B) of this section may be extended by fifty feet (50').

(4) Protection.

(A) Vertical openings shall be protected so that no primary means of escape is exposed to an unprotected vertical opening. The vertical opening shall be considered protected if the opening is cut off and enclosed in a manner that provides a fire-resisting capability of not less than twenty (20) minutes and resists the passage of smoke. Any doors or openings shall have fire- and smoke-resisting capability equivalent to that of the enclosure and shall be self-closing or automatic closing.

(B) Interior stairways shall be closed with one (1)-hour fire barriers, with all opening equipped with smoke-actuated automatic-closing or self-closing doors having a fire resistance comparable to that required for the enclosure.

(C) All furnace rooms, rooms containing water heaters, boiler rooms, storage rooms, laundry rooms and all other rooms or areas deemed hazardous by the state fire marshal inspector shall be separated from the remainder of the building by construction having not less than a one (1)-hour fire resistance rating. All doors to these rooms shall have a self-closing device attached and shall have a minimum one (1)-hour fire rating.

(D) All doors to sleeping rooms shall have a fire resistance rating of twenty (20) minutes.

(E) All buildings shall be protected throughout by an approved, automatic sprinkler system installed in accordance with the National Fire Protection Association, Standards for Installation of Sprinkler Systems. Quick response or residential sprinkler heads shall be installed throughout the structure.

(F) The sprinkler system shall initiate the fire alarm system upon activation of water flow.

(G) Tamper switches shall be installed on the sprinkler system valves and shall transmit a supervisory signal to the fire alarm control panel.

(H) All facilities shall have the sprinkler system tested, inspected, and approved annually by a fire sprinkler company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector.

(5) Interior Finish.

(A) Interior wall and ceiling finishes throughout shall be a minimum Class B finish, as specified in the definition section of these fire safety rules. Textile material having a napped, tufted, looped, woven, non-woven, or similar surface shall not be applied to walls or ceilings. Foam plastic materials or other highly flammable or toxic materials shall not be used as an interior wall, ceiling, or floor finish.

(B) All wall studs, ceiling joists, and floor joists shall be covered with a minimum of Class B finish, and no exposed studs or joists shall be allowed.

(C) Hangings or draperies shall not be placed over exit doors or be located to conceal or obscure any exit. All other hangings and draperies shall be treated with a flame retardant material with verification to this effect on file for the fire inspector to review. Exception

shall be made for small window valances. These exceptions shall be noted on the fire inspection survey.

(6) Detection, Alarms, Extinguishment.

(A) All facilities shall have a full coverage electrical fire alarm system. Pull stations shall be mounted at each exit door and at least one (1) horn/strobe shall be installed in a central location on each floor. Smoke detectors shall be installed in all sleeping rooms, throughout all corridors, in all living spaces, storage rooms and offices. Additional smoke detectors may be required by the state fire marshal as deemed necessary. Heat detectors shall be installed in all mechanical rooms, kitchens and throughout the attic. The battery backup control panel shall be Underwriter's Laboratories, Inc. (UL) or Factory Mutual (F.M.) listed and installed on a dedicated circuit in the breaker box. The fire alarm system shall be installed and maintained in good working order and should be Underwriter's Laboratories, Inc. (UL) or Factory Mutual (F.M.) listed. The fire system shall be installed and maintained per the National Fire Alarm Code (NFPA 72) and the *National Electrical Code*.

(B) All smoke detectors that are ten (10) years old or older shall be replaced with new smoke detectors of the same style. The new smoke detectors shall have the installation date written on the side of the detector for the state fire marshal to reference.

(C) All smoke detectors that are connected to a fire alarm system shall be replaced after ten (10) years of service, or recalibrated by the smoke detector's manufacturer. If the smoke detectors are recalibrated, temporary smoke detectors shall be installed so that the fire alarm system continues working properly and providing protection to the occupants while the original smoke detectors are being serviced.

(D) Any facility that has hearing-impaired occupants shall make adequate provisions so that the activation of any fire alarm system shall notify the occupants of the home. The state fire marshal inspector may require additional requirements for the hearing impaired occupants to insure adequate notification.

(E) Occupant notification shall be provided automatically without delay. Pre-signal systems shall be prohibited.

(F) All facilities shall have the fire alarm system tested, inspected, and approved annually by a fire alarm company. A copy of the test report and approval of the system shall be kept on file at the facility for review by the state fire marshal inspector.

(G) Facilities using equipment or appliances that pose a potential carbon monoxide risk, including facilities with attached garages, shall install a carbon monoxide detector(s). The detector(s) shall be installed according to the manufacturer's instructions. The state fire marshal inspector may require additional carbon monoxide detectors if the state fire marshal inspector determines that the safety of the occupants is endangered.

1. Carbon monoxide detectors shall be in good operating condition. If a battery-operated detector is not operational, the facility shall install a detector that is powered by the home's electrical system with a battery backup.

2. If an elevated carbon monoxide level is detected during a fire inspection, the facility shall have all gas-fired appliances checked by a heating and air conditioning company to identify the source of the carbon monoxide. Until the facility has documentation on file at the home verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order, and the facility is determined safe by the state fire marshal inspector, the fire inspection shall not be approved.

3. If a level of carbon monoxide is determined that endangers the lives of the occupants, the state fire marshal inspector shall take measures necessary to protect the occupants. This may include evacuation of the building or closing the facility. The facility shall obtain and have on file at the facility, documentation verifying that all gas-fired appliances were checked by a heating and air conditioning company and are in safe working order. The facility shall be reinspected by the fire inspector and determined safe before the occupants can return to the building or the facility can reopen.

(H) At least one (1) portable (five pound (5 lb)) 2A-10B:C fire extinguisher shall be required in all facilities. One (1) fire extinguisher shall be located in the kitchen. Additional fire extinguishers shall be placed throughout the facility and the travel distance shall be no greater than seventy-five feet (75') between fire extinguishers. Additional fire extinguishers may be required by the state fire marshal inspector depending on the floor plan arrangement of space and the number of levels used.

(I) Fire extinguishers shall be installed and maintained according to the instructions of the state fire marshal inspector and shall be inspected and approved annually by a fire extinguisher company. Documentation of the inspection and approval shall be on file at the facility and available for review by the state fire marshal inspector.

(J) Facilities using a commercial stove, deep fryer, or two (2) home type ranges placed side by side, or a home type range that produces a grease laden vapor shall be equipped with a range hood and extinguishing system with an automatic cutoff of the fuel supply and exhaust system in case of fire. The state fire marshal inspector shall inspect these systems to insure they are in good working condition and installed/maintained correctly. The state fire marshal inspector shall base this inspection on National Fire Protection Association, Chapter 96, Standard for Fire Protection of Commercial Cooking Operations.

(K) The range hood fire extinguishment system shall be connected to the control panel of the fire alarm system. The activation of the range hood fire extinguishment system shall cause the fire alarm system to activate throughout the building.

(7) Heating, Ventilating, Air Conditioning, and Mechanical Equipment.

(A) Unvented fuel-fired room heaters, portable electric space heaters and floor furnaces shall not be permitted for use.

(B) No facility shall be allowed to heat the home with a wood burning stove, fireplace, or wood burning furnace located inside of the structure as a primary source of heat.

(C) All gas and electric heating equipment shall be equipped with thermostatic controls. All hot water heaters shall have a properly sized pressure relief valve and be properly vented by galvanized flue pipe and screws at every joint in the pipe or by material recommended by the manufacturer if they are gas fired. The drip leg pipe on the pressure relief valve shall extend to approximately six inches (6") above the floor and shall be copper or chlorinated polyvinyl chloride (CPVC) and cannot be reduced in size.

(D) Facilities with a water heater over two hundred thousand British thermal units (200,000 Btus) per hour input or larger, or that is heating with a boiler, shall have a valid permit from the Division of Fire Safety posted on the premises. A copy of the permit shall be kept on file at the Division of Fire Safety.

(E) All furnace rooms shall be properly vented. Furnace flue pipes shall be constructed of galvanized pipe or material recommended by the manufacturer. All galvanized pipe shall be secured by screws at every joint in the pipe.

(F) All joints in the gas supply pipe shall be located outside of the furnace cabinet housing.

(G) A gas shutoff valve shall be located next to all gas appliances, furnaces, hot water heaters.

(H) All furnaces shall be equipped with an electrical fused switch to protect the unit from electrical overloading and to disconnect the electrical supply.

(I) If a furnace or hot water heater is located inside a garage, they shall be at least eighteen inches (18") above the finished floor and enclosed inside a fire resistant room as described in subsection (4)(C) of this rule.

(J) All furnace rooms and rooms containing the gas hot water heater shall have adequate combustion air for the units. The vent size opening for the combustion air shall be measured at one (1) square inch per one thousand (1,000) Btus input if the combustion air is drawn from inside the structure and one (1) square inch per

four thousand (4,000) Btus input if the air is drawn from outside of the structure. There shall be two (2) combustion air vent openings in each furnace room, one (1) located at the lower level and the other at the upper level.

(K) One (1) combustion air vent opening shall be permitted if the vent opening communicates directly to the outside of the structure. This opening shall be one (1) square inch per three thousand (3,000) Btus input of the total gas appliances located in this room. The gas appliances must have a clearance around them, of one inch (1") from the sides and back, and six inches (6") from the front of the unit.

(L) Air conditioning, heating, ventilating ductwork, and related equipment shall be installed in a safe manner and be in good operating condition as determined by the state fire marshal inspector.

(M) Any furnace or air handling equipment that has airflow of two thousand (2,000) cubic feet per minute or more, shall have a fan shutdown switch that is interconnected with the fire alarm system.

(N) All elevators shall be inspected annually by a state licensed elevator inspector and shall obtain an annual state operating permit form from the Division of Fire Safety and post it as required.

(8) Electrical Services.

(A) Electrical wiring shall be installed and maintained in good working order. If the state fire marshal considers the wiring to be unsafe for the occupants or if it is installed improperly, an inspection by a licensed electrician may be required prior to fire safety approval. The inspection by the licensed electrician shall be based on National Fire Protection Association, Chapter 70, *National Electrical Code*.

(B) No electrical extension cords will be allowed, unless approved in writing by the state fire marshal. Extension cords shall not be permanently affixed to the structure or replace permanent wiring. Exception: The use of UL approved fused power surge strips is acceptable.

(9) Equivalency Concepts. Nothing in this rule is intended to prevent the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety as alternatives required by this rule. These alternatives may be used only if technical documentation to demonstrate equivalency and the system, method, or device is submitted and approved by the Missouri Division of Fire Safety.

AUTHORITY: section 630.655, RSMo 2000. Original rule filed Sept. 5, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The department conducted two (2) surveys, published this proposed rule as a Rule Under Consideration and sent this to its providers via e-mail with a request to evaluate the rule in terms of content and fiscal impact. Only five (5) responses were received and they were from department staff making minor comments on substance but no comment on fiscal impact. Therefore, the information available to the division at this time leads it to conclude that the proposed rule will not have a fiscal impact of more than five hundred dollars (\$500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Donna Haley, Mental Health Manager, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.010 Definitions. The division proposes to amend subsection (1)(J).

PURPOSE: *This amendment is being made to bring the definitions for the different types of school buses into conformity with those addressed in the National School Transportation Specifications and Procedures.*

(1) The following words and terms as used in these rules shall have the following meaning:

(J) School bus is any motor vehicle used solely to transport students to and from school or to transport students to or from any place for educational purposes.

1. A Type "A" school bus is a *van conversion or /body/ bus constructed [upon a van-type or] utilizing a cutaway front-section vehicle with a left side driver's door/, designed for carrying more than ten (10) persons]. The entrance door is behind the front wheels.* This definition *[shall]* includes two (2) classifications: Type A[-I]1, with a Gross Vehicle Weight Rating (GVWR) *[over/ less than or equal to]* ten thousand pounds (10,000 lbs.); and Type A/-II/2, with a GVWR of **greater than** ten thousand pounds (10,000 lbs.) *[and under].*

2. A Type "B" school bus is */a conversion or body/ constructed [and installed upon a van or front-section vehicle chassis or] utilizing a stripped chassis/, with a GVWR of more than ten thousand pounds (10,000 lbs.), designed for carrying more than ten (10) persons. Part of the engine is beneath and/or beneath the windshield, and beside the driver's seat]. The entrance door is behind the front wheels. This definition includes two (2) classifications: Type B1, with a GVWR less than or equal to ten thousand pounds (10,000 lbs.); and Type B2, with a GVWR greater than ten thousand pounds (10,000 lbs.).*

3. A Type "C" school bus is */a body installed upon a flat-back cowl chassis and has a GVWR of more than ten thousand pounds (10,000 lbs.), designed for carrying more than ten (10) persons/ constructed utilizing a chassis with a hood and fender assembly. [All of the engine is in front of the windshield and t/*The entrance door is behind the front wheels.

4. A Type "D" school bus is */a body installed upon/ constructed utilizing a stripped chassis/, with the engine mounted in the front, midship or rear, with a gross vehicle rating of more than ten thousand pounds (10,000 lbs.), designed for carrying more than ten (10) persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus, behind the rear wheels; or midship between the front and rear axles]. The entrance door is ahead of the front wheels;*

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box

568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.020 Minimum Inspection Station Requirements. The division proposes to amend subsections (1)(A)1. and (1)(G).

PURPOSE: This amendment is being made to clarify the premises requirements for Class A, B and D inspection stations. Also, stations would be required to notify the patrol should the station no longer have a licensed inspector/mechanic employed.

(1) Premises.

(A) Each inspection station must have an inspection area within an enclosed building of sufficient length, [and] width and height to accommodate [a full-size domestic made passenger vehicle.] the type of vehicle being inspected. Class A and D stations are required to accommodate a commercial vehicle. Class B stations must accommodate a full-size domestic made passenger vehicle. Class C stations are required to have sufficient length and width to inspect full-size motorcycles.

1. In addition to an inside area, an outside inspection area may be approved for the inspection of commercial vehicles at **Class B stations**, if it is of **sufficient** length and width of the vehicle or combination of vehicles being inspected.

2. The area shall be substantially level and constructed of hard material, such as asphalt or concrete. It shall be a part of and adjacent to the official vehicle inspection station.

(G) Operational changes, except the addition or deletion of inspector/mechanics, unless the deletion of an inspector/mechanic results in no inspector/mechanic for the station, affecting the current station application must be submitted to the Missouri State Highway Patrol immediately.

AUTHORITY: section 307.360, RSMo 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.050 Inspection Station Permits. The division proposes to amend this rule by deleting the Motor Vehicle Inspection Application form at the end.

PURPOSE: This amendment is being made to delete the form at the end of the rule.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.160 Brake Components. The division proposes to amend subsection (2)(A).

PURPOSE: This proposed amendment attempts to clarify the rule by including calipers as an item to be inspected.

(2) Drums, Discs and Internal Brake Components. At least one (1) front or one (1) rear wheel and drum must be removed on each passenger vehicle, one-half (1/2) ton and three-quarter (3/4) ton pickup trucks, or similar type vehicles not equipped with dual rear wheels. Only the wheel must be removed on vehicles equipped with disc brakes. Identification marks shall be made on the wheel and lug before removal so the wheel can be remounted in the same position to insure wheel balance. On drum brake systems, a new cotter pin must always be used when remounting a wheel and drum. The removal of a wheel and/or drum is not required if the brake performance test has been administered using an approved computerized brake testing machine. When an approved computerized brake testing machine is used, and no wheel is removed, the inspector shall mark through the space on the MVI-2 form provided for "Brake Inspected" with the letters "CBTM". When removal of a wheel is required, a wheel appearing to leak brake fluid or grease, shall be the wheel removed to inspect for contamination. Wheels on four (4)-wheel drive vehicles equipped exclusively with drum-type brakes are not required to be removed.

(A) Inspect drums, discs, **calipers**, linings, pads, wheel cylinders, hoses, lines and other internal brake components.

1. Reject vehicle if:

- A. There are substantial cracks on the friction surface extending to open edge of drum or to the edge of a disc;
- B. A brake drum or disc has external cracks;
- C. Friction surface of disc brake pads, rotor, brake linings or brake drum is contaminated with oil, grease or brake fluid;
- D. A brake lining is worn into the friction surface of the brake drum where the brake drum cannot be removed after loosen-

ing the adjusting screw (backing off of the self-adjusting mechanism);

E. Thinnest point of bonded lining is less than one-thirty-second inch (1/32");

F. Rivets are loose or missing or if lining or pad is not firmly attached to shoe;

G. Riveted lining is worn to less than one-thirty-second inch (1/32") above any rivet head at thinnest point;

H. Wire is visible on the friction surface of wire-backed linings;

I. Lining is broken or cracked, does not include heat cracks;

J. A primary or secondary shoe and lining is improperly installed;

K. Bonded pads are worn at any one (1) point to less than one-thirty-second inch (1/32");

L. Riveted pads are worn at any one (1) point to less than five-thirty-seconds inch (5/32"). If unable to determine if pads are riveted or bonded, pads will be considered to be bonded pads;

M. A wheel cylinder or caliper leaks a sufficient amount of hydraulic brake fluid to cause droplets. Do not mistake assembly fluid for hydraulic fluid;

N. Hoses or tubing leak or are cracked, chafed, flattened, restricted, bubbled or insecurely fastened;

O. Mechanical parts are missing, broken or badly worn;

P. There is excessive friction in brake pedal, linkage or other components;

Q. Pedal levers are improperly positioned or misaligned; or

R. Brake components are misaligned, binding, obstructed or will not function properly.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 50—Missouri State Highway Patrol Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.200 Steering Mechanisms. The division proposes to amend subsections (2)(A), (2)(C), (2)(D) and (2)(E), subparagraphs (2)(E)1.D. and (2)(E)1.E. and paragraph (3)(B)1., insert a new paragraph (3)(B)2. and renumber the remaining paragraph to (3)(B)3., amend subsections (4)(A)–(4)(H) and delete Tables 1–3 from the **Code of State Regulations**.

PURPOSE: This amendment attempts to clarify the rule by enumerating additional steering mechanisms to be inspected.

(2) Front /A/and Rear Wheel Play.

(A) An inspection for front and rear wheel play, which includes steering linkage, pitman arm, idler arm, stabilizer bar(s), connec-

tions, link(s), wheel bearings, *[and]* tie rod ends **and adjusting sleeves**, can only be made by putting the ball joints under load. To load ball joints, the vehicle must be hoisted—

1. Under the frame if the spring or torsion bar is on the lower control arm (Figure 1, **included herein**);

2. Under lower control arm, close to ball joint, if spring or torsion bar is on upper control arm (Figure 2, **included herein**); and

3. From the underside of axle (Figure 3, **included herein**) if the vehicle is equipped with king pins or Twin I-Beams with ball joints (Figure 17, **included herein**).

(C) Inspect front wheels, king pin (spindle bolts) and idler arm for play. On vehicles with power steering, the engine must be running. Eliminate all wheel bearing movement by first applying the service brake. Grasp front and rear of tire and attempt to turn assembly right and left. Then grasp top and bottom of tire and attempt to rock it in and out. Observe movement at extreme front and rear—top and bottom—of tire (Figures 4 and 5, **included herein**).

(D) Inspect all steering linkage, pitman arm, stabilizer bar(s), connections, link(s), *[and]* tie rods **and adjusting sleeves** for locked joints and looseness by working them up and down and back and forth by hand.

(E) Inspect condition of all upper and lower control arms, pivot shafts, pivot shaft mountings, **radius arms**, and all bushings.

1. Reject vehicle if:

A. Wheel bearing looseness allows relative movement between drum and backing plate (disc and splash shield) more than one-eighth inch (1/8") measured at the outer circumference of the tire for vehicles ten thousand pounds (10,000 lbs.) Gross Vehicle Weight Rating (GVWR) or less or one-quarter inch (1/4") for vehicles more than ten thousand pounds (10,000 lbs.) GVWR. A wheel bearing falls apart when a wheel is removed to inspect a brake or if the bearing is broken;

B. Front wheel movement is in excess of one-fourth inch (1/4") for wheels sixteen inches (16") or less, three-eighths inch (3/8") for wheels over sixteen inches (16") to and including eighteen inches (18") and one-half inch (1/2") for wheels over eighteen inches (18") (see Figures 3, 4 and 5, **included herein**). (An idler arm or king pin must meet this criteria before being rejected.);

C. Excessive vertical (up and down) or lateral (side) movement is evident in any of the steering linkage sockets or if tapered studs are loose in their mounting holes. Any movable joints are locked. Any joints are not secured with cotter pins or other devices;

D. A control arm or **radius arm** is badly bent or broken, or if a pivot shaft or a pivot shaft mounting or **any control arm, radius arm, pivot shaft** bushing is badly worn or missing; or

E. Stabilizer bar(s), links, *[or] bushings* connections are badly worn, *[or]* missing, **loose or broken**.

(3) Springs and Shock Absorbers.

(B) Reject vehicle if:

1. Springs or torsion bars are **loose, broken *[or if shackles or "U" bolts are worn or loose; or]* or spring pieces or torsion bars are missing**;

2. Spring shackles or "U" bolts are worn, missing, loose; or

/2./ 3. A shock absorber is missing, disconnected, not securely attached, broken, or if rubber bushings or mounting bolts are worn-out or missing.

(4) Ball Joints.

(A) An inspection for ball joint wear can only be made when the joints are unloaded, except those ball joints having a wear indicator. An inspection of a ball joint which has a wear indicator must be made while the ball joint is under load with the weight of the vehicle on its wheels. To unload ball joints, the vehicle must be hoisted:

1. Under lower control arm if spring or torsion bar is on lower control arm (Figure 6, **included herein**). The lower ball joint is the load-carrying ball joint and the upper ball joint is the nonload-carrying ball joint; and

2. Under frame if spring or torsion bar is on upper control arm (Figure 7, **included herein**). The upper ball joint is the load-carrying ball joint and the lower ball joint is the nonload-carrying ball joint.

(B) In checking the condition of an unloaded ball joint, a ball joint gauge need not be used if the inspector is absolutely certain that the ball joint movement does not exceed the prescribed tolerances. A vehicle will not be rejected unless the vertical (up and down) or horizontal (side-to-side) movement in the load carrying ball joint has been accurately measured by a ball joint gauge and the measurement exceeds the prescribed tolerances. A vehicle requiring a special tool or method to measure ball joint movement will not be rejected unless the ball joint is obviously dangerous. Inspector/mechanics will either contact the Motor Vehicle Inspection Division at the nearest troop headquarters or visit the division's website at www.msdp.state.mo.us to obtain [information] manufacturer's specifications on ball joints [*not listed in this manual*]. If the ball joint movement exceeds the prescribed tolerances, the measured movement shall be listed with the defective part on the MVI-2 form (see 11 CSR 50-2.120).

(C) Unless a dial indicator or a gauge of the type which screws into a grease fitting is used, it is recommended that the most accurate method of determining vertical (up and down) movement of the ball joint using a gauge which has a roller and pointer, is to remove the dust cup from the spindle and place the pointer rollers of the ball joint gauge on top of the spindle nut (Figures 6 and 7, **included herein**). In the event that the rollers of a particular brand gauge are too large to rest on top of the spindle nut, the rollers should then be positioned against the bottom of the spindle nut. To measure horizontal (side) movement, place rollers of gauge against tire sidewall and work wheel in and out (Figures 8 and 9, **included herein**).

(D) Inspect ball joints with wear indicator, as shown in Figure 10, **included herein**. Wipe the grease fitting and boss free from dirt and grease. Observe if boss is flush or inside the cover surface.

(E) Inspect ball joints without wear indicator by hoisting and unloading the ball joint as indicated in either Figure 6 or Figure 7, **included herein**. Position a pry bar under the front tire and wheel and with pressure sufficient only to lift the weight of the wheel assembly, move the wheel up and down and observe movement (Figures 6 and 7, **included herein**). Under no circumstances should there be more upward lifting force exerted than necessary to determine the actual movement of the ball joint stud within the housing. Grasp the tire and wheel assembly at the eleven (11) and five (5) o'clock positions. Work the wheel in and out to detect any looseness. Move hands to the one (1) and seven (7) o'clock positions and repeat (Figures 8 and 9, **included herein**).

(F) Inspect ball joints on front-wheel drive vehicles as illustrated in Figures 11, 12 and 16, **included herein**. Inspect vehicles equipped with MacPherson Strut Suspension System as illustrated in Figure 13, **included herein**.

(G) Inspect ball joints on Twin I-Beam axles using the following procedure. Eliminate all wheel bearing play by applying the service brake. Raise the vehicle by hoisting under the I-Beam axle beneath the spring as shown in Figure 17, **included herein**. Grasp the lower edge of the tire and move the wheel in and out. While the wheel is being moved, observe the lower spindle arm and the lower part of the axle jaw. Grasp the upper edge of the tire and move the wheel in and out. While the wheel is being moved, observe the upper spindle arm and the lower part of the axle jaw. Movement of .031" (thirty-one thousandths inch) or greater between the lower or upper portion of the I-Beam and ball joint indicates that a measurement should be made at the circumference of the wheel adjacent to the ball joint that exhibits movement.

(H) Reject vehicle if:

1. The grease fitting boss on the wear indicator type ball joint is flush or inside the cover surface;

2. MacPherson Strut Suspension System has severely worn or missing thrust bearing or mounting bushings. If piston rod is bent or unit is not securely mounted to vehicle;

3. There is free play in any direction in a nonload-carrying ball joint. If vertical (up and down) movement in a load-carrying ball joint exceeds *[tolerances]* prescribed [*in Tables 1-3*] **tolerances**;

4. Horizontal (side) movement at tire sidewalls is in excess of prescribed tolerances [*as shown in Tables 1-3*];

5. Twin I-Beam axle has movement greater than .031" (thirty-one thousandths inch) when measured at the outer circumference of the wheel; or

6. Any joints are not secured with cotter pins or other devices, or if ball stud is loose in the mounting hole.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 50—Missouri State Highway Patrol Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.270 Glazing (Glass). The division proposes to amend subsection (5)(C) and delete paragraph (5)(C)1.

PURPOSE: This amendment attempts to update the glazing requirements due to changes in section 307.173, RSMo.

(5) Reject vehicle if:

(C) After-market vision reducing material [*is applied to the vehicle's side and/or rear windows which allows less than 35% +/- 3% light transmission*] or other conditions that obscure the driver's vision is on the windshield;

[1. Inspector/mechanics will determine whether tinted glass is factory installed or an after-market application. All tinted windows, except those with factory installed tinted glass, will be inspected for light transmission by use of window tint comparison strips or other devices capable of measuring light transmission. Once a comparison or reading is taken, the results will be recorded on the MVI-2 form in the space entitled "Defective Parts" identifying the windows measured and the results of the comparison or readings.]

AUTHORITY: section 307.360, RSMo 2000. Original rule filed Nov. 4, 1968, effective Nov. 14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.320 School Bus Inspection. The division proposes to amend subsections (2)(D), (7)(A) and (18)(B) and paragraph (18)(E)3.

PURPOSE: This proposed amendment attempts to clarify items required to be inspected on school buses and to bring the rule into conformity with the *National School Transportation Specifications and Procedures*.

(2) Lighting Equipment and Signalling Devices.

(D) Stop/Taillights. Types A/I-**1/2**, B, C and D school buses shall be equipped with two (2) red stoplights seven inches (7") in diameter (prior to December 1988, six (6") in diameter), or if a shape other than round, a minimum of thirty-eight (38) square inches of illuminated area and two (2) red stop/taillights four inches (4") in diameter, or if a shape other than round, a minimum of twelve (12) square inches of illuminated area. The four-inch (4") stop/taillights shall operate in combination with the seven-inch (7") stoplights on school buses manufactured after December 31, 1988, when the service brake is applied. All stop/taillights must operate if so equipped. Type A/I-**1/1** buses with bodies supplied by chassis manufacturer may have manufacturer's standard stop and tail lamps.

(7) Bumper.

(A) Rear Bumper. Types A/I-**1/2**, B, C and D school buses shall be equipped with a rear bumper of pressed steel at least three-sixteenths inch (3/16") thick and eight inches (8") wide (nine and one-half inches (9 1/2") if manufactured after January 1, 1997). The bumper shall wrap around the back corners of the school bus and extend forward at least twelve inches (12"). The bumper shall extend at least one inch (1") beyond the rearmost part of the body surface and shall be properly attached to prevent the hitching of rides. Type A/I-**1/1** school buses may be equipped with the manufacturer's standard rear bumper.

(18) Tires.

(B) Inspect Type A/I-**1/2**, B, C, or D school bus for dual rear tires.

(E) Reject any school bus if:

1. Any tire has knots or exposed cord;
2. The tread depth is less than four-thirty-secondths inch (4/32") for the front tires or less than two-thirty-secondths inch (2/32") of the rear tires when measured in any two (2) adjacent major grooves at three (3) locations equally spaced around the outside of the tire;
3. A Type A/I-**1/2**, B, C or D school bus is not equipped with dual rear tires;
4. Regrooved, recapped or retreaded tires are used on the front wheels; or
5. The tires on a given axle are of a different size or type.

AUTHORITY: section 307.360.2, RSMo 2000 and 307.375, RSMo Supp. [2001] 2002. Original rule filed Nov. 4, 1968, effective Nov.

14, 1968. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 50—Missouri State Highway Patrol
Chapter 2—Motor Vehicle Inspection Division

PROPOSED AMENDMENT

11 CSR 50-2.340 Off-Highway Use Vehicles (ATV-OHV). The division proposes to amend section (1).

PURPOSE: This amendment will make the rule conform to sections 301.010 and 301.700, RSMo.

(1) Vehicles which are designed and primarily intended by the manufacturer for off-highway use are commonly referred to as all-terrain vehicles (ATV) or off-highway vehicles (OHV). These vehicles, when operated as intended and for which designed, need not be inspected. If operated on a public highway, however, these vehicles must be inspected and registered as passenger vehicles [*i.e.*, trucks] or motor tricycles.

AUTHORITY: section 307.360, RSMo [1994] 2000. Original rule filed Nov. 9, 1971, effective Nov. 19, 1971. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 15, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Public Safety, Missouri State Highway Patrol, PO Box 568, Jefferson City, MO 65102-0568. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 75—Peace Officer Standards and Training Program
Chapter 13—Peace Officer Licenses

PROPOSED AMENDMENT

11 CSR 75-13.090 Cause to Discipline Peace Officer Licensee. The department is amending subsection (2)(A).

PURPOSE: This amendment changes the word "act" to "offense" to properly reflect the phrase used in section 590.080.1, RSMo.

(2) As used in section 590.080.1, RSMo:

(A) The phrase has "committed any criminal [act] offense" includes a person who has pleaded guilty to, been found guilty of, or been convicted of any criminal offense.

AUTHORITY: section 590.080.1(6), RSMo Supp. [2001] 2002. Original rule filed May 1, 2002, effective Oct. 30, 2002. Amended: Filed Sept. 5, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Jeremy Spratt, POST Program, Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program**

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). The division is changing section (11).

PURPOSE: This proposed amendment changes section (11). This amendment will establish the Federal Reimbursement Allowance (FRA) assessment for SFY 2004 at five and twenty-three hundredths percent (5.23%).

(11) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2004. The FRA assessment for State Fiscal Year (SFY) 2004 shall be determined at the rate of [five and sixty-four] **five and twenty-three** hundredths percent $/(5.64\%)$ **(5.23%)** of the hospital's total operating revenue less tax revenue/other government appropriations plus non-operating gains and losses as published by the Missouri Department of Health and Senior Services, Section of Health Statistics. The base financial data for 2000 will be annualized, if necessary, and will be adjusted by the trend factor listed in 13 CSR 70-15.010(3)(B) to determine revenues for the current state fiscal year. The financial data that is submitted by the hospitals to the Missouri Department of Health and Senior Services is required as part of 19 CSR 10-33.030, Reporting Financial Data by Hospitals. If the pertinent information is not available through the Department of Health and Senior Services' hospital database, the Division of Medical Services will use the Medicaid data similarly defined from the Medicaid cost report that is required to be submitted pursuant to 13 CSR 70-15.010(5)(A).

AUTHORITY: sections 208.201, 208.453 and 208.455, RSMo 2000. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed April 29, 2003, effective May 9, 2003, terminated Sept. 18, 2003. Amended: Filed April 29, 2003. Emergency amendment filed Sept. 8, 2003,

effective Sept. 18, 2003, expires March 15, 2004. Amended: Filed Sept. 8, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate in SFY 2004.

PRIVATE COST: This proposed amendment is expected to cost private entities \$544,753,070 in SFY 2004.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication in the **Missouri Register**. If to be hand-delivered, comments must be brought to the Division of Medical Services at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
131	Hospitals	SFY 2004 – \$544,753,070

III. WORKSHEET

The fiscal note is based on establishing the SFY 2004 FRA assessment percentage at 5.23%.

IV. ASSUMPTIONS

This amendment changes the estimated FRA assessment of 5.64% as published on June 2, 2003 to 5.23%. This change will cost hospitals less than what was originally proposed on June 2, 2003. The original cost estimate at 5.64% was \$588,038,698. The new cost estimate at 5.23% is \$544,753,070.

The 131 hospitals reported above include 37 hospitals that are owned or controlled by state, county, city or hospital districts. The cost to these hospitals at 5.23% is \$67,099,392. The original cost estimate at 5.64% was \$79,180,433.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
Division 10—Office of the Director
**Chapter 5—Procedures for the Collection and Submission
of Data to Monitor Health Maintenance Organizations**

PROPOSED AMENDMENT

19 CSR 10-5.010 Monitoring Health Maintenance Organizations

Definitions. The department proposes to amend subsections (2)(B) and (C); subsection (3)(D); section (4); Table B; and Table D.

PURPOSE: The department proposes to amend this rule to eliminate the exception clause to Table A requirements, subsection (2)(B); to clarify which HEDIS® measures shall be reported annually based on standards of the National Quality Assurance Committee. This amendment shall eliminate the need for annual revisions to 19 CSR 10-5.010 by modifying subsections (2)(B) and (C); subsection (3)(D); section (4); Table B; and Table D; and to revise Table D to update and expand health care access information.

(2) Starting in 1998, health care plans shall submit annually to the department, member satisfaction survey data—

(B) The commercial and Medicaid member satisfaction data shall be submitted to the department in electronic form, through a certified survey vendor, and meet the specifications of Table A. Table A is included herein. *[An exception to this requirement shall be made for those Medicaid health care plans that are required to participate in a member satisfaction survey conducted by the Division of Medical Services. For these plans, the department will obtain the member satisfaction data from the Division of Medical Services];*

(C) In 1998 the data shall be submitted by September 1. In subsequent years a final member-level data file and a CAHPS® component audit verification letter shall be submitted by June 15 or the date required by NCQA if other than June 15. If the required submission date falls on a weekend or a federally recognized holiday, the due date will be the first working day following the weekend or federal holiday. **The data year (reporting period) for the CAHPS® submission shall be the calendar year (CY) immediately preceding the June 15 submission date;** and

(3) Starting in 1998, health care plans shall provide annually to the department, audited quality indicator data—

(D) In 1998 the data shall be submitted by September 1. In subsequent years a final data file shall be submitted by June 15 or the date required by NCQA if other than June 15. If the required submission date falls on a weekend or a federally recognized holiday, the due date will be the first working day following the weekend or federal holiday. **The data year (reporting period) for the HEDIS® (Table B) submission shall be the calendar year (CY) immediately preceding the June 15 submission date.**

(4) In 1998 access to care data shall be submitted by September 1. In subsequent years the data shall be submitted by June 15. If the required submission date falls on a weekend or a federally recognized holiday, the due date will be the first working day following the weekend or federal holiday. **The data year (reporting period) for Table D (access to care) submission shall be the calendar year (CY) immediately preceding the June 15 submission date.** Access to care data shall include the data elements and conform to the specifications listed in Table D. Table D is included herein.

Table B

Quality Indicator Data Specifications
[Reporting Period: CY 2002]

Data reported for each of the indicators listed below shall conform to the NCQA HEDIS® Data Submission Tool and all other HEDIS® technical specifications for indicator descriptions and calculations. An "X" in the table below indicates data are to be reported for this quality indicator if the health care plan offers this product line to Missouri residents. NCQA rotates certain measures every year. Rotated measures shall be reported in accordance with current HEDIS® technical specifications for reporting rotated measures. Measures followed by an asterisk (*) shall be reported every year regardless of NCQA's rotation strategy.

<u>Indicator</u>	<u>Applicable to:</u>		
	<u>Commercial</u>	<u>Medicaid</u>	<u>Medicare</u>
Childhood Immunization Status*	X	X	
Adolescent Immunization Status*	X	X	
Adolescent Well-Care Visits	X	X	
Use of Appropriate Medications for People with Asthma	X	X	
Chlamydia Screening for Women	X	X	
Breast Cancer Screening	X		X
Cervical Cancer Screening	X	X	
Beta Blocker Treatment After Heart Attack	X		X
Controlling High Blood Pressure	X		X
Cholesterol Management After Acute Cardiovascular Event	X		X
Comprehensive Diabetes Care	X		X
Antidepressant Medication Management	X		X
Flu Shots for Older Adults (CAHPS®)			X
Advising Smokers to Quit (CAHPS®)	X		X
Annual Dental Visit		X	

File Content

As applicable for each of the quality indicators listed above, except for those collected via the CAHPS® questionnaire, the plans shall report the following elements from the NCQA HEDIS® Data Submission Tool:

1. Data collection methodology (Administrative or Hybrid).
2. Eligible member population (i.e., members who meet all denominator criteria).
3. Minimum required sample size (MRSS) or other sample size.
4. Number of original sample records excluded because of valid data errors.
5. Number of records excluded because of contraindications identified through administrative data.
6. Number of records excluded because of contraindications identified through medical record review.
7. Additional records added from the auxiliary list.
8. Denominator.
9. Numerator events by administrative data.
10. Numerator events by medical record.
11. Reported rate.
12. Lower 95% confidence interval.
13. Upper 95% confidence interval.

All data elements above shall conform to the HEDIS® a technical specifications, as outlined in the NCQA-published technical manuals.

Table B**Quality Indicator Data Specifications**
[Reporting Period: CY 2002]
(continued)**File format and media**

The quality indicator data shall be submitted electronically, in a data file format to be specified by the Department. All other data specifications shall conform to those required by NCQA for submission of the audited quality indicator data.

File Consistency

Plans that elect to submit separate files for sub-groups of their enrollment population must consistently do so for all data submission categories required by this rule. Health care plans that contract with the Division of Medical Services to provide coverage in more than one Medicaid region, shall submit separate quality indicator data for the enrollees in each region.

Table D
Managed Health Care Services

File Specifications

Responses to the survey items in Table D must be submitted electronically, in a data file format specified by the Department.

Table D must be completed for each managed care product line (Commercial, Medicaid, or Medicare) offered by each licensed health care plan. Responses should be based on activity or status during the reporting period, within each product line (payer). Survey questions in Table D shall apply, except where otherwise noted, only to fully insured (ERISA exempt) enrollments.

Table D
Managed Health Care Services
/Reporting Period: CY 2002/

HEALTH PLAN INFORMATION

Instructions: Submit one set of Table D information, Parts I and II, for each product line (i.e. type of payor) offered by your organization.

1.) Product Line (CHECK ONE): Commercial Medicare Medicaid

2.) Missouri Department of Insurance Licensed Plan Name:

_____ Dba (if applicable): _____

3.) Extended NAIC Identification Number (7-digit): _____

4.) Name as marketed to your members (for Consumer's Guide display purposes):

5.) List the following for each of your products within this product line:

a.) <u>Marketed Product Name</u>	b.) <u>HMO/POS</u>	c.) <u>Customer Service</u>	d.) <u>RN Hotline</u>	-Phone Numbers-
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_____ _____ _____ _____

6.) Through what organization was your managed care organization accredited as of *1: December 31, 2002 the last day of the reporting period?*

Accrediting organization: NCQA URAC JCAHO None

Level of Accreditation: _____

7.) Managed Care Organization Contact Person for Table D Information:

a.) Name: _____ b.) Title: _____

c.) Phone: _____ d.) Fax: _____ e.) E-mail: _____

Table D
Managed Health Care Services
[Reporting Period: CY 2002]

II. HEALTH PLAN SERVICES

1.) Please indicate for each of the following high risk conditions/diseases, if your managed care plan (A) has screening mechanisms, (B) *[provides case management]* distributes educational material for all plan enrollees, (C) provides specific educational materials to persons-at-risk, *[and]* (D) *[distributes educational material for all plan enrollees]* provides case management, and (E) provides disease management. (CHECK ALL THAT APPLY. SEE NOTE BELOW.)

High Risk Conditions/Diseases	(A)	(B) <i>[Case Management]</i>	(C)	(D) <i>[Education for All Plan Employees]</i>	(E)
	Screening Mechanisms	Education for All Plan Enrollees	Education for Persons-at-Risk	Case Management	Disease Management
Asthma	(NA)	()	(NA)	()	()
Stroke/Cardiovascular Disease	(NA)	()	(NA)	()	()
Breast Cancer	()	()	()	()	()
Cervical Cancer	()	()	()	()	()
Ovarian Cancer	(NA)	()	(NA)	()	()
Colorectal Cancer	(NA)	()	(NA)	()	()
Sickle Cell Disorders	(NA)	()	(NA)	()	()
Congestive Heart Failure (CHF)	(NA)	()	(NA)	()	()
Chronic Obstructive Pulmonary Disease (COPD)	(NA)	()	(NA)	()	()
Diabetes	(NA)	()	(NA)	()	()
Depression	(NA)	()	(NA)	()	()
HIV	(NA)	()	(NA)	()	()
High Risk Pregnancy	(NA)	()	(NA)	()	()
Obesity	(NA)	()	(NA)	()	()
Lead Poisoning	(NA)	()	(NA)	()	()
Chlamydia: Females	(NA)	()	(NA)	()	()
High Blood Pressure	(NA)	()	(NA)	()	()
Alcohol/Substance Abuse:					
Adolescents	(NA)	()	(NA)	()	()
Pregnant Women	(NA)	()	(NA)	()	()
Tobacco Use	(NA)	()	(NA)	()	()
Other					
(PLEASE SPECIFY)	()	()	()	()	()

Note: Screening Mechanisms is a protocol by which the Managed Care Organization identifies through administrative data, members at risk for certain diseases or conditions, utilizing clinical guidelines, and then formally conveys to the network PCPs or personal physician to proactively screen these at-risk patients in their daily practice.

Education strategies for plan enrollees may include but are not limited to newsletters, periodicals, direct mailings and similar types of media campaigns.

Case management is a protocol where case managers work with providers and physicians to coordinate the medical care that patients with complex or chronic illnesses need to receive. Case managers help *[patients take care of themselves and make sure they get the right specialists, equipment and medications.]* members obtain services and medical equipment as ordered by their physicians.

Disease management is a strategy where nurses and other health professionals help members learn to self-manage their chronic condition effectively through disease-specific education, general health promotion and reinforcement of the treatment plan designed by each member's physician.

[Education strategies for all plan enrollees may include but are not limited to newsletters, periodicals, direct mailings and similar types of media campaigns.]

2.) Please indicate if your managed care plan provides any of the following:

Note: The term *reminder/recall* in Questions 3a-3b refers to notices intended to insure timely scheduling of the specific preventive screening/test or service indicated. General education materials or notices tied to anniversary dates, such as birthdays or enrollment dates, do not meet this definition.

3.a.) **Commercial or Medicaid only** (If completing for a Medicare plan, skip to Question 3b)

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

Mammograms () YES () NO
Immunizations () YES () NO
Pap smears () YES () NO
Diabetic Screens/Tests () YES () NO

3b.) **Medicare only**

Do you send reminder/recall letters and/or make telephone calls from your managed care plan office to your members to ensure usage of the following preventive services?

Mammograms () YES () NO
Immunizations () YES () NO
Well-woman checks () YES () NO
Diabetic Screens/Tests () YES () NO

4.) **Commercial only:** During the reporting period, did your plan manage the following health services for your ASO group contracts? For each of the health services listed below, please indicate if it was elected as a covered benefit in all the ASO contracts with your plan, in some of the ASO contracts, or in none of the ASO contracts. (CHECK ONE COLUMN ONLY)

Selected Covered Benefits: ASO Contracts

	<u>All Contracts</u>	<u>Some Contracts</u>	<u>None of the Contracts</u>
Immunizations.....	()	()	()
Mammograms	()	()	()
Pap Smears.....	()	()	()

- 5.) During the reporting period, did your plan provide coverage to your non-ASO members for the following health benefits? Please indicate if the benefit item was offered as standard coverage for all non-ASO products within the product line (commercial, Medicaid or Medicare), as standard coverage only for some non-ASO products in the product line, offered only by rider clause (employer option), or not covered at all. (CHECK ONLY ONE FOR EACH BENEFIT LISTED)

Non-ASO Products Only				
	<u>All Products</u>	<u>Some Products</u>	<u>Offered only by Rider Clause</u>	<u>Not Offered</u>
Rx coverage of:				
Prenatal vitamins, including folic acid.....	()	()	()	()
Non-Morbid Obesity:				
Prescriptions.....	()	()	()	()
Dietary Consultations....	()	()	()	()
Surgical Procedures.....	()	()	()	()
Contraceptives:				
Birth control pills.....	()	()	()	()
IUDs.....	()	()	()	()
Norplant.....	()	()	()	()
Depo Provera.....	()	()	()	()
Immunizations:				
Hepatitis A.....	()	()	()	()
Hepatitis B.....	()	()	()	()
Varivax (chicken pox)...	()	()	()	()
Annual eye exam for refractive errors.....	()	()	()	()
Diabetic supplies..... (strips, lancets, etc.)	()	()	()	()
Insulin pumps.....	()	()	()	()
Stem cell rescue for:				
Neuroblastoma.....	()	()	()	()
Breast cancer.....	()	()	()	()
Access to chiropractic services	()	()	()	()
Psychotherapy services				
Individual.....	()	()	()	()
Group.....	()	()	()	()
Family.....	()	()	()	()
Marital.....	()	()	()	()
Substance abuse services:				
Inpatient/residential.....	()	()	()	()
Outpt./partial hospitalization	()	()	()	()
Unrestricted annual flu shots	()	()	()	()
Acupuncture.....	()	()	()	()
Smoking cessation:				
Classes.....	()	()	()	()

Medications/patches....	()	()	()	()
Conduct wellness surveys*	()	()	()	()

*A wellness survey is a questionnaire on health behaviors. It does not refer to a physical exam.

6.) For each preventive service listed below, please indicate (A) if your plan provided physicians routine status reports on the delivery of these services to their panel members and (B) if your plan sent comparative information to the physicians, during the reporting year. Following each response, enter a brief description of the report(s) or information that you sent.

	(CHECK IF YES) (A) Plan Provided Reports		(CHECK IF YES) (B) Plan Sent Comparative Data	
		Description of Report(s)		Description of Report(s)
Childhood Immunizations.....	()	_____	()	_____
Adolescent Immunizations.....	()	_____	()	_____
Breast Cancer Screenings.....	()	_____	()	_____
Pap Smears.....	()	_____	()	_____
Lead Screenings:				
12 and 24 months.....	()	_____	()	_____
Under 6 if no prior blood test.....	()	_____	()	_____
Cholesterol Management after Acute Cardiovascular Event: LDL-C Screenings	()	_____	()	_____
Beta Blocker Treatment After Heart Attack.....	()	_____	()	_____
Comprehensive Diabetic Care:				
Hemoglobin Testing.....	()	_____	()	_____
Retinal Disease Eye Exam.....	()	_____	()	_____
LDL-C (Lipids) Testing	()	_____	()	_____
Nephropathy Screenings.....	()	_____	()	_____
Annual Flu Shots for Older Adults.....	()	_____	()	_____
Tobacco Cessation Counseling.....	()	_____	()	_____
Other (Please specify) _____	()	_____	()	_____

7.) Does your plan routinely conduct continuing education with your providers to improve their knowledge on current clinical practice recommendations?

() YES () NO

- 8.) Please indicate the administrative policies for your HMO (non-POS) plan products, as they applied to your non-ASO members during the reporting year. (CHECK A RESPONSE FOR EACH POLICY LISTED)

	<u>YES All HMO Products</u>	<u>YES Some HMO Products</u>	<u>NO No HMO Products</u>
a.) Allow access to within-network OB/GYNs other than the once per year visit without referral	()	()	()
b.) PCP must obtain prior authorization from HMO or its agency for referral to within-network, non-OB/GYN medical/surgical specialists	()	()	()
c.) Allow members to self-refer to within-network medical/surgical specialists, other than OB/GYN	()	()	()
d.) Allow members to self-refer to within-network mental health specialists	()	()	()
e.) Allow medical specialists other than OB/GYN to be designated as PCP for patients with a chronic disease	()	()	()
f.) Members can access some health practitioners, other than medical/surgical or mental health specialists, without referral or prior authorization	()	()	()
g.) If YES for all or some products on Question 8f, list the additional types of providers that can be accessed without referral or prior authorization:			

[All Products](#)

Some Products

9.) The following questions pertain to your managed care product Internet site:

a) Does the Internet site for your managed care products provide a lookup reference to a list of your network physicians or other providers? YES ____ NO ____ (if NO, skip to Question 10)

b) Does your provider listing contain the following information?

- i) Name: YES ____ NO ____;
↳ Able to search on this criteria? YES ____ NO ____
- ii) Specialty: YES ____ NO ____;
↳ Able to search on this criteria? YES ____ NO ____
- iii) By Product: YES ____ NO ____;
↳ Able to search on this criteria? YES ____ NO ____
- iv) County: YES ____ NO ____;
↳ Able to search on this criteria? YES ____ NO ____
- v) City: YES ____ NO ____;
↳ Able to search on this criteria? YES ____ NO ____
- vi) Zip Code: YES ____ NO ____;
↳ Able to search on this criteria? YES ____ NO ____
- vii) Hospital Affiliations: YES ____ NO ____;
↳ Able to search on this criteria? YES ____ NO ____

c) How often is provider information updated?

- i) Weekly: YES ____ NO ____
- ii) Monthly: YES ____ NO ____
- iii) Semi-Annually: YES ____ NO ____
- iv) Annually: YES ____ NO ____
- v) Other (Please specify) _____

vi) Is the date of the update displayed?

YES ____ NO ____

d) Is the provider information available to:

- i) Plan Members? YES ____ NO ____
- ii) Prospective Members (Without the need to register on the site)? YES ____ NO ____

10.) For each of the practitioner categories below, indicate the number you had in your plan network during the reporting year and the number of that total which your MCO verified, within the past two years, as being board certified where applicable.

	<u>Number of Practitioners</u>	<u>Number Who Are Board Certified</u>
a.) Primary Care Physicians (excluding OB/GYNs)	_____	_____
b.) Medical/Surgical Specialists (excluding OB/GYNs)	_____	_____
c.) OB/GYNs	_____	_____
d.) Chiropractors	_____	_____
e.) Mental Health Providers	_____	_____
f.) General Dentists	_____	_____
g.) Advanced Practice Nurse	_____	_____

*AUTHORITY: section 192.068, RSMo 2000. Emergency rule filed Jan. 16, 1998, effective Jan. 26, 1998, terminated April 15, 1998. Original rule was filed Jan. 16, 1998, effective Aug. 30, 1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 12, 2003.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Center for Health Information Management and Evaluation, Garland Land, Director, PO Box 570, Jefferson City, MO 65102, (573) 751-6272. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
Division 15—Division of Senior Services
Chapter 4—Older Americans Act

PROPOSED AMENDMENT

19 CSR 15-4.060 State Long-Term Care Ombudsman Program.
The department proposes to amend section (1).

PURPOSE: This amendment sets forth the procedures for notification of the state ombudsman if the regional coordinator or volunteer determines that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, in accordance with S.B. 556.

(1) The statewide long-term care [*LTC*] ombudsman program (LTCOP) consists of the state office, regional offices and volunteers. The regional programs are housed in or subcontracted by the designated Area Agencies on Aging. The LTCOP—

(A) Identifies, //investigates and resolves complaints made by or /for older persons/ on behalf of residents in long-term care (LTC) facilities /about administrative actions that/ relating to action, inaction, or decisions of providers, or their representatives, of long-term care services, of public agencies or of social service agencies, which may adversely affect /their/ the health, safety, welfare or rights of such residents/. If regional LTCOP coordinators, staff or volunteers determine that a nursing home administrator is not willing to work with the ombudsman program to resolve complaints, the regional LTCOP coordinator, staff or volunteer shall notify the state ombudsman in writing.

1. The state ombudsman, or his/her designee, may facilitate a meeting with the nursing home administrator, and the regional LTCOP coordinator, staff and/or volunteer. If deemed appropriate, the state ombudsman or his/her designee may notify the nursing facility's corporate staff (if applicable) of the meeting and its results.

2. The regional LTCOP coordinator or staff or the LTCOP state office staff may contact the section for long-term care (SLTC). The LTCOP state office staff will monitor cases where the nursing home administrator is unwilling to work with the LTCOP and monitor the involvement and/or investigation conducted by SLTC;

(C) Provides information to public agencies about the problems of /older individuals/ residents in LTC facilities;

(D) Trains LTCOP staff and volunteers and promotes and assists in the development of citizen organizations /to participate in the ombudsman program/;

(E) Implements additional activities, as appropriate, that enhance the [*LTC ombudsman program*] LTCOP and are consistent with federal and state requirements and guidelines;

(F) Develops procedures to assure that representatives of the [*LTC ombudsman program*] LTCOP are given appropriate access to LTC facilities, appropriate private access to residents and appropriate access to the residents' personal and medical records; and

AUTHORITY: sections 660.050, RSMo [1986] 2000 and 660.603, RSMo Supp. 2003. This rule was previously filed as 13 CSR 15-6.065 and 13 CSR 15-4.060. Original rule filed Jan. 6, 1986, effective April 30, 1986. Moved to 19 CSR 15-4.060, effective Aug. 28, 2001. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
Division 30—Division of Health Standards and Licensure
Chapter 82—General Licensure Requirements

PROPOSED RULE

19 CSR 30-82.015 Long-Term Care Receiverships

PURPOSE: This rule establishes guidelines for the determination of qualified receivers, maintenance of the list of receivers, and the selection and removal of receivers.

(1) A person requesting to act as a receiver shall submit a completed application to the department. The application shall include the following information:

(A) Full name of the receiver, date of birth and Social Security number;

(B) Information that establishes the receiver has the necessary experience to operate a long-term care facility or the ability to contract with another party for the operation of a facility; and

(C) Information that establishes the receiver has the financial capacity to operate a long-term care facility as a receiver in compliance with state laws and regulations.

(2) Based on the information submitted in the application, if the applicant has the necessary experience to operate a long-term care facility or the ability to contract with another party for the operation of a facility and the financial capacity to operate a facility, and the applicant does not have any disqualifying characteristics, the applicant will be approved to be a receiver. Disqualifying characteristics are defined as:

(A) The applicant has been convicted of a felony offense in any state or federal court arising out of conduct involving the operation or management of a long-term care facility or other health care facility or the provision or receipt of health care;

(B) The applicant has ever knowingly acted or knowingly failed to perform any duty which materially and adversely affected the health, safety, welfare or property of a resident of a long-term care facility, while acting in a management capacity; or

(C) The applicant is under exclusion from participation in the Title XVIII (Medicare) or Title XIX (Medicaid) program of any state or territory.

(3) Once a completed application is received and approved, the person will be placed on the list of qualified receivers. Receivers will be placed on the list in the order their completed application was received. If two (2) or more completed applications are received on the same day, and any two (2) or more are approved, they will be placed on the list of qualified receivers in alphabetical order according to the receivers' last names.

(4) If any of the information in an application changes, or if a qualified receiver has any change of status, including a change in disqualifying characteristics, that could affect his/her ability to serve as a receiver, he/she must notify the department in writing within ten (10) working days. Given the additional information, the department

will make a determination as to whether the receiver remains qualified to act as a receiver. If the receiver is no longer qualified, his/her name will be removed from the list of qualified receivers. The department will notify the receiver in writing of the removal.

(5) If the department otherwise becomes aware of a change in any information in the application or a change in status of a qualified receiver that affects the receiver's ability to serve as a receiver, the department may remove the receiver from the list of qualified receivers. The department will notify the receiver in writing of the removal.

(6) If a receiver no longer wishes to be included on the list of qualified receivers, the receiver shall notify the department in writing of his/her desire to be removed from the list and the effective date of the removal.

AUTHORITY: sections 198.105, RSMo Supp. 2003 and 198.009, RSMo 2000. Emergency rule filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Original rule filed Sept. 12, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Health Standards and Licensure Chapter 82—General Licensure Requirements

PROPOSED RULE

19 CSR 30-82.080 Nursing Facility Quality of Care Improvement Program

PURPOSE: This rule explains the requirements for receiving funding from the Nursing Facility Quality of Care (NFQC) Fund to improve the quality of service the facility provides to its residents.

(1) Definitions.

(A) Qualified Facility—Any facility licensed pursuant to Chapter 198, RSMo, that has received a Class I or Uncorrected Class II Notice of Noncompliance within the past twelve (12) months in one (1) of the following areas:

1. For Residential Care Facility I (RCF I) and Residential Care Facility II (RCF II):

A. Administrative, Personnel and Resident Care (19 CSR 30-86.042);

B. Dietary (19 CSR 30-86.052); or

C. Resident Rights (19 CSR 30-88.010);

2. For Skilled Nursing Facility (SNF) and Intermediate Care Facility (ICF):

A. Administration and Resident Care (19 CSR 30-85.042)

B. Dietary (19 CSR 30-85.052); or

C. Resident Rights (19 CSR 30-88.010).

(B) Quality Improvement Project for Missouri (QIPMO) consultation—Provides technical assistance and support to nursing facility staff throughout the state in order to improve the quality of care in nursing facilities using the Minimum Data Set (MDS) and on-site clinical consultation.

(2) Selection of Qualified Facilities.

(A) Qualified facilities may submit a written request to the department for funds from the Nursing Facility Quality of Care (NFQC) Fund to pay for QIPMO assistance and support. The department will provide a written response to the qualified facility's request approving or disapproving the use of NFQC funding for QIPMO assistance. In the absence of extraordinary circumstances, a qualified facility shall receive no more than one thousand dollars (\$1,000) per request. A qualified facility which wishes to receive more than one thousand dollars (\$1,000) per request must separately justify reimbursement in excess of one thousand dollars (\$1,000) by setting forth the extraordinary circumstances justifying reimbursement in excess of one thousand dollars (\$1,000). The department may, in its sole discretion, approve reimbursement in excess of one thousand dollars (\$1,000).

(B) Qualified facilities may also submit to the department proposals describing implementation of a quality improvement program, in lieu of the QIPMO Program. Such proposals shall address areas of noncompliance that have been cited in the notice of noncompliance issued in the past twelve (12) months. Upon approval of the proposal by the department, the department may use funds in the NFQC Fund that have been collected from state civil money penalties to fund the qualified facility's proposal. In the absence of extraordinary circumstances, a qualified facility shall receive no more than one thousand dollars (\$1,000) per proposal. A qualified facility which wishes to receive more than one thousand dollars (\$1,000) per proposal must separately justify reimbursement in excess of one thousand dollars (\$1,000) by setting forth the extraordinary circumstances justifying reimbursement in excess of one thousand dollars (\$1,000). The department may, in its sole discretion, approve reimbursement in excess of one thousand dollars (\$1,000).

(C) The department may impose upon a qualified facility a directed plan of correction, as set forth in section 198.066, RSMo, which includes QIPMO consultation. Funding for the QIPMO consultation may be taken from the NFQC Fund, not to exceed one thousand dollars (\$1,000), unless the department, in its sole discretion, determines reimbursement in excess of one thousand dollars (\$1,000) is justified by extraordinary circumstances.

(3) The qualified facility will submit to the department the paid invoice(s) for the QIPMO consultation or other quality improvement program. The department will reimburse the qualified facility for the amount granted.

AUTHORITY: section 198.067.6, RSMo Supp. 2003. Emergency rule filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Original rule filed Sept. 12, 2003.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 30—Division of Health Standards and Licensure
Chapter 83—Definition of Terms**

PROPOSED AMENDMENT

19 CSR 30-83.010 Definition of Terms. The department proposes to amend definition (24) and add new definition (32).

PURPOSE: This amendment revises the definition of protective oversight and adds a definition for voluntary leave, as included in S.B. 534.

(24) Protective oversight—Shall mean *[having continuous]* an awareness twenty-four (24) hours a day of the location of a resident's whereabouts, the ability to intervene *[if a crisis arises for]* on behalf of the resident, supervision of nutrition, or medication, or actual provisions of care and *[a twenty-four (24)-hour]* the responsibility for the welfare of the resident, except where the resident is on voluntary leave.

(32) Voluntary leave—Shall mean an off-premise leave initiated by: a) a resident that has not been declared mentally incompetent or incapacitated by a court; or b) a legal guardian of a resident that has been declared mentally incompetent or incapacitated by a court.

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.009, RSMo [1986] 2000. Emergency rule filed Sept. 7, 1979, effective Sept. 28, 1979, expired Jan. 24, 1980. This rule originally filed as 13 CSR 15-II.010. Original rule filed Sept. 7, 1979, effective Jan. 12, 1980. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 30—Division of Health Standards and Licensure
Chapter 85—Intermediate Care and Skilled Nursing Facility**

PROPOSED AMENDMENT

19 CSR 30-85.042 Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities. The department proposes to amend section (66).

PURPOSE: This amendment identifies the minimum voluntary leave procedures that a nursing facility must have in place, as included in S.B. 534.

(66) Each resident shall receive twenty-four (24)-hour protective oversight and supervision. For residents departing the premises on voluntary leave, the facility shall have, at a minimum, a procedure to ensure that the resident or the resident's guardian notifies the facility of the resident's departure, that the resident or the resident's guardian notifies the facility of the resident's estimated length of absence from the facility, and that the resident or the resident's guardian notifies the facility of the resident's whereabouts while on voluntary leave. I/II

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.079, RSMo [1994] 2000. This rule originally filed as 13 CSR 15-14.042. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**

**Division 30—Division of Health Standards and Licensure
Chapter 86—Residential Care Facilities I and II**

PROPOSED AMENDMENT

19 CSR 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities I and II. The department proposes to amend section (35).

PURPOSE: This amendment identifies the minimum voluntary leave procedures that a residential care facility must have in place, as included in S.B. 534.

(35) Protective oversight shall be provided twenty-four (24) hours a day. For residents departing the premises on voluntary leave, the facility shall have, at a minimum, a procedure to ensure that the resident or the resident's guardian notifies the facility of the resident's departure, that the resident or the resident's guardian notifies the facility of the resident's estimated length of absence from the facility, and that the resident or the resident's guardian notifies the facility of the resident's whereabouts while on voluntary leave. I/II

AUTHORITY: sections 198.006, RSMo Supp. 2003 and 198.076, RSMo [1994] 2000. This rule originally filed as 13 CSR 15-15.042. Original rule filed July 13, 1983, effective Oct. 13, 1983. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 12, 2003, effective Sept. 22, 2003, expires March 19, 2004. Amended: Filed Sept. 12, 2003.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Health and Senior Services, Division of Senior Services and Regulation, David S. Durbin, Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure for All Contested Cases Under Statutory Jurisdiction

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2002, the commission amends a rule as follows:

1 CSR 15-3.320 Stays or Suspensions of Any Action from which Petitioner Is Appealing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2003 (28 MoReg 1266). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 1—OFFICE OF ADMINISTRATION
Division 15—Administrative Hearing Commission
Chapter 3—Procedure for All Contested Cases Under Statutory Jurisdiction

ORDER OF RULEMAKING

By the authority vested in the Administrative Hearing Commission under section 621.198, RSMo Supp. 2002, the commission amends a rule as follows:

1 CSR 15-3.350 Complaints is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 15, 2003 (28 MoReg 1266-1267). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2003–2004 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: This amendment establishes season dates and bag limits for hunting waterfowl within frameworks established by the U.S. Fish and Wildlife Service for the 2003–2004 seasons.

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(F) Ducks (except for canvasback and pintail) and coots may be taken from one-half (1/2) hour before sunrise to sunset from October 25 through December 23 in the North Zone (that portion of Missouri north of a line running west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy 50; and west on U.S. Hwy. 50 to the Kansas border); from November 22 through January 20 in the South Zone (that portion of the state south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border); and from November 1 through December 30 in the Middle Zone (remainder of Missouri). Pintails and canvasbacks may be taken from October 25 through November 23 in the North Zone, November 1 through November 30 in the Middle Zone, and November 22 through December 21 in the South Zone. Ducks and coots may be

taken by youth hunters fifteen (15) years of age or younger, from one-half (1/2) hour before sunrise to sunset from October 18 through October 19 in the North Zone, from October 25 through October 26 in the Middle Zone and from November 15 through November 16 in the South Zone. Youth hunters must be accompanied by an adult, eighteen (18) years of age or older, who cannot hunt ducks. Adults must be licensed unless the youth hunter possesses a valid hunter education certificate card. Limits are as follows:

1. Coots—Fifteen (15) daily; thirty (30) in possession.
2. Ducks—The daily bag limit of ducks is six (6) and may include no more than four (4) mallards (no more than two (2) of which may be a female), three (3) scaup, two (2) wood ducks, one (1) black duck, two (2) redheads, one (1) hooded merganser, one (1) pintail and one (1) canvasback (during the prescribed season and during the youth hunts). The possession limit is twelve (12), including no more than eight (8) mallards (no more than four (4) of which may be female), six (6) scaup, four (4) wood ducks, two (2) black ducks, four (4) redheads, two (2) hooded mergansers, two (2) canvasbacks, and two (2) pintails.

(G) Geese may be taken from one-half (1/2) hour before sunrise to sunset as follows:

1. Blue, snow, and Ross's geese may be taken from October 25 through January 18 in the North Zone and Swan Lake Zone, and from November 1 through January 25 in the Middle Zone, Southeast Zone and South Zone.

2. White-fronted geese may be taken from October 25 through January 18 in the North Zone and Swan Lake Zone, and from November 1 through January 25 in the Middle Zone, Southeast Zone and South Zone.

3. In the Swan Lake Zone, Canada geese and brant may be taken from October 25 through November 30 and from December 20 through January 18.

4. In the Southeast Zone and South Zone, Canada geese and brant may be taken from October 4 through October 12 and from November 22 through January 25.

5. Except in the Swan Lake Zone, Southeast Zone and South Zone, Canada geese and brant may be taken from September 27 through October 12, October 25 through November 23 and December 20 through January 18 in the North Zone and from September 27 through October 12, November 1 through November 30, and December 27 through January 25 in the Middle Zone.

6. The daily bag limit is twenty (20) blue, snow or Ross's geese, two (2) brant and two (2) white-fronted geese statewide. The possession limits for brant and white-fronted geese are four (4) each and there is no possession limit for blue, snow and Ross's geese.

7. The daily bag limit is two (2) Canada geese in the Swan Lake Zone. The possession limit is four (4) Canada geese.

8. In the North Zone and Middle Zone, the daily bag limit is three (3) Canada geese from September 27 through October 12 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from September 27 through October 12 and four (4) Canada geese thereafter. In the South Zone and Southeast Zone, the daily bag limit is three (3) Canada geese from October 4 through October 12 and two (2) Canada geese thereafter. The possession limit is six (6) Canada geese from October 4 through October 12 and four (4) Canada geese thereafter.

9. Geese may be taken by youth hunters in the North Zone from October 18 through October 19, in the Middle Zone from October 25 through October 26, and in the South Zone from November 15 through November 16. The daily bag limit is twenty (20) blue, snow, and Ross's geese, two (2) white-fronted geese, two (2) brant, and two (2) Canada geese. The possession limits for brant, white-fronted geese and Canada geese are four (4) each and there is no possession limit for blue, snow, and Ross's geese.

10. Zones: The Swan Lake Zone shall be the area bounded by U.S. Hwy. 36 on the north, Mo. Hwy. 5 on the east, Mo. Hwy. 240 and U.S. Hwy. 65 on the south, and U.S. Hwy. 65 on the west. The North Zone shall be that portion of the state north of a line running

west from the Illinois border at Lock and Dam 25; west on Lincoln County Hwy. N to Mo. Hwy. 79; south on Mo. Hwy. 79 to Mo. Hwy. 47; west on Mo. Hwy. 47 to Interstate Hwy. 70; west on Interstate Hwy. 70 to U.S. Hwy. 54; south on U.S. Hwy. 54 to U.S. Hwy. 50; west on U.S. Hwy 50 to the Kansas border excluding the Swan Lake Zone. The South Zone shall be that portion of Missouri south of a line running west from the Illinois border on Mo. Hwy. 34 to Interstate Hwy. 55; south on Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; west on Mo. Hwy. 72 to Mo. Hwy. 32; west on Mo. Hwy. 32 to U.S. Hwy. 65; north on U.S. Hwy. 65 to U.S. Hwy. 54; west on U.S. Hwy. 54 to the Kansas border. The Middle Zone shall be the remainder of Missouri excluding the Southeast Zone (that portion of the state west of a line beginning at the intersection of Mo. Hwy. 34 and Interstate Hwy. 55, south of Interstate Hwy. 55 to U.S. Hwy. 62; west on U.S. Hwy. 62 to Mo. Hwy. 53; north on Mo. Hwy. 53 to Mo. Hwy. 51; north on Mo. Hwy. 51 to U.S. Hwy. 60; west on U.S. Hwy. 60 to Mo. Hwy. 21; north on Mo. Hwy. 21 to Mo. Hwy. 72; east on Mo. Hwy. 72 to Mo. Hwy. 34; east on Mo. Hwy. 34 to Interstate Hwy. 55).

(H) Shells possessed or used while hunting waterfowl and coots statewide, and for other wildlife as designated by posting on public areas, must be loaded with material approved as nontoxic by the United States Fish and Wildlife Service.

(I) The hunting season for blue, snow and Ross's geese closes on January 18, 2004 in the North Zone and Swan Lake Zone and on January 25, 2004 in the Middle Zone, Southeast Zone and South Zone in order to implement a light goose Conservation Order.

1. Persons who possess a valid migratory bird permit may chase, pursue, and take blue, snow and Ross's geese between the hours of one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset from January 19 through April 30, 2004 in the North Zone and Swan Lake Zone and from January 26 through April 30, 2004 in the Middle Zone, Southeast Zone and South Zone. Any other regulation notwithstanding, methods for the taking of blue, snow and Ross's geese include using shotguns capable of holding more than three (3) shells, and with the use or aid of recorded or electrically amplified bird calls or sounds, or recorded or electrically amplified imitations of bird calls or sounds. Exceptions to the above permit requirement include landowners or lessees, as described in this code, and persons fifteen (15) years of age or younger, provided s/he is in the immediate presence of a properly licensed adult or has in his/her possession a valid hunter education certificate card. A daily bag limit will not be in effect January 19 through April 30 in the North Zone and Swan Lake Zone and from January 26 through April 30 in the Middle Zone, Southeast Zone, and South Zone.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed September 5, 2003 effective **September 19, 2003**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.442 is amended.

This amendment establishes hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-9.442 by adjusting the season for waterfowl hunting by falconers in 2003–2004 to conform to federal frameworks.

3 CSR 10-9.442 Falconry

PURPOSE: This amendment adjusts the season dates for hunting waterfowl by falconry for the 2003–2004 season as provided in the frameworks established by the U.S. Fish and Wildlife Service.

(2) Only designated types and numbers of birds of prey may be possessed and all these birds shall bear a numbered, nonreuseable marker provided by the department. Birds held under a falconry permit may be used, without further permit, to pursue and take wildlife within the following seasons and bag limits:

(E) Ducks, mergansers and coots may be taken from one-half (1/2) hour before sunrise to sunset as follows: in the North Zone, September 6 through September 21 and September 24 through December 23; in the Middle Zone, September 6 through September 21 and October 1 through December 30; and, in the South Zone, September 6 through September 21 and October 22 through January 20. Daily limit: three (3) birds singly or in the aggregate, including doves; possession limit: six (6) birds singly or in the aggregate, including doves.

(4) Applicants for permits shall submit an application with information including the number of raptors possessed and the species, age, sex, date of acquisition and source of each. Falconry permits are issued by classes as follows:

(A) Apprentice Class—Permittees shall be at least fourteen (14) years old and shall have a sponsor holding a general or master falconry permit. A sponsor shall have no more than three (3) apprentices at any one (1) time. An apprentice may possess only one (1) American kestrel (*Falco sparverius*) one (1) red-tailed hawk (*Buteo jamaicensis*) or one (1) red-shouldered hawk (*Buteo lineatus*) and may obtain not more than one (1) replacement raptor during any twelve (12)-month period.

(B) General Class—Permittees shall be at least eighteen (18) years old and shall have at least two (2) years' experience in falconry at the apprentice level. A general falconer may not possess more than two (2) raptors of the family *Accipitridae*, or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*) of the family *Strigidae*; but not to include any eagle or any threatened or endangered species. A general falconer shall not obtain more than two (2) raptors for replacements during any twelve (12)-month period.

(C) Master Class—Permittees shall have at least five (5) years' experience in falconry at the general class level and shall not possess more than three (3) raptors of the family *Accipitridae*, or of the family *Falconidae*, or the great horned owl (*Bubo virginianus*) of the family *Strigidae*; but not to include any golden eagle (*Aquila chrysaetos*) except by written federal authorization, nor more than one (1) threatened species, nor any endangered species. A master falconer shall not obtain more than two (2) raptors taken from the wild for replacements during any twelve (12)-month period.

(7) Raptors may be taken from the wild only as follows:

(B) Young birds not yet capable of flight (eyasses), except northern harriers (marsh hawks), sharp-shinned hawks, Swainson's hawks, peregrine falcons, bald eagles, Mississippi kites, barn owls, short-eared owls and long-eared owls, may be taken only by a general or master falconer from May 1 to May 7 and from June 1 to June 30, and no more than two (2) eyasses, one (1) of which may be a Cooper's hawk, may be taken by a falconer during this period.

SUMMARY OF PUBLIC COMMENTS: Seasons and limits are excepted from the requirement of filing as a proposed amendment under section 536.021, RSMo.

This amendment filed September 5, 2003, effective **September 19, 2003**.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.010 Public Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 958). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.015 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 958–960). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission secretary received a total of ten (10) comments on the proposed amendment from six (6) separate entities.

COMMENT: Lamar Advertising Company, Lamar Advertising Springfield, Lamar Advertising of East Missouri, Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (37) of the rule regarding temporary cut-outs and extensions would increase costs to the industry by the industry having to move or change their display.

RESPONSE AND EXPLANATION OF CHANGE: The Federal Highway Administration (FHWA) recommended the department promulgate a rule that would reduce the allowable size of a cut-out or extension and restrict the length of time that the cut-out or extension could be placed on a nonconforming billboard. After considering the comment, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Lamar Advertising Company, Lamar Advertising Springfield, Lamar Advertising of East Missouri, Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (37) of the rule regarding temporary cut-outs and extensions would increase costs to the department in administration and enforcement.

COMMENT: Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that regulating the use of temporary cut-outs and extensions will be an administrative nightmare for the department and the industry in processing reports every time a cut-out or extension is added or removed from a display.

COMMENT: Lamar Advertising Company, Lamar Advertising Springfield, and Drury Displays, Inc. d/b/a DDI Media commented that section (37) of the rule regarding temporary cut-outs and extensions would prevent many of the current advertisers from being able to renew their display at the same location.

RESPONSE AND EXPLANATION OF CHANGE: The FHWA recommended the department promulgate a rule that would reduce the allowable size of a cut-out or extension and restrict the length of time that the cut-out or extension can be placed on a nonconforming billboard. After consideration of the comment, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (37) is unauthorized or is not consistent with the intent of the statute.

RESPONSE AND EXPLANATION OF CHANGE: The commission believes section (37) is authorized by statute and the language is consistent with the intent of the statute. However, after consideration of other comments received, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Elliot/McDonald commented that section (37) will force vacant displays for a six (6)-month period between contracts.

COMMENT: Elliot/McDonald further commented that section (37) allows cut-outs and extensions on previous contracts, does not allow cut-outs and extension on renewals, but then allows cut-outs and extensions after three (3) years.

COMMENT: Elliot/McDonald commented that section (37) would force them to remove the display face if a contract is not renewed rather than being able to contract on a month-to-month basis after the initial three (3)-year period.

COMMENT: Missouri Outdoor Advertising Association commented that the language of section (37) should be changed to reflect that in determining the size of a conforming or nonconforming sign structure, temporary cut-outs and extensions shall not be considered an increase in size.

RESPONSE AND EXPLANATION OF CHANGE: The FHWA recommended the department promulgate a rule that would reduce the allowable size of a cut-out or extension and restrict the length of time that the cut-out or extension can be placed on a nonconforming billboard. After consideration of the comments, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding the issue of cut-outs and extensions on billboards.

COMMENT: Missouri Outdoor Advertising Association commented that it believes the FHWA's local representative does not have the authority or support to threaten sanctions over the issue of temporary cut-outs or extensions.

RESPONSE AND EXPLANATION OF CHANGE: The commission believes the FHWA does have the authority to impose sanctions over the issue of temporary cut-outs or extensions. However, after

consideration of the comments received, the commission will remove amended section (37) and will continue to work in cooperation with FHWA regarding cut-outs and extensions on billboards.

7 CSR 10-6.015 Definitions

(37) Unlawful signs or unlawful outdoor advertising are those identified as unlawful in sections 226.580.1 and 226.580.2, RSMo and 7 CSR 10-6.080(2), and nonconforming signs which have failed to comply with the requirements of 7 CSR 10-6.060(3).

(38) Unzoned area means an area where there is no comprehensive zoning regulation. It does not include areas which have rural zoning classifications, land uses established by zoning variances or special exceptions under comprehensive local zoning ordinances.

(39) Unzoned commercial or industrial areas or unzoned commercial or industrial land is defined by sections 226.540(4) and 226.540(5), RSMo and 7 CSR 10-6.040(2)(B).

(40) Urban area is defined in section 226.510(6), RSMo.

(41) Visible means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity. A person of normal visual acuity is any person licensed by Missouri to operate a motor vehicle upon the highways of this state.

(42) Zoned commercial or industrial areas are areas which are zoned industrial, commercial or the like per section 226.540(5), RSMo and which meet the requirements of 7 CSR 10-6.040(2)(C).

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.020 Directional and Other Official Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 960). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION Division 10—Missouri Highways and Transportation Commission Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.030 On-Premises Signs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003

(28 MoReg 960–961). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 961–963). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty Feet of the Right-of-Way **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 963). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.060 Nonconforming Signs **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 963–964). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.070 Permits for Outdoor Advertising **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 964–966). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.080 Removal of Outdoor Advertising Without Compensation **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 966–967). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.085 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 967-968). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission secretary received two (2) comments from three (3) separate entities.

COMMENT: Missouri Outdoor Advertising Association commented that there are already laws allowing the department to prosecute and recover damages for the unpermitted cutting and trimming of vegetation on state right-of-way and therefore section (4) should be struck.

RESPONSE AND EXPLANATION OF CHANGE: The commission considered the comment and is striking section (4) and renumbering the sections accordingly.

COMMENT: Drury Displays, Inc. d/b/a DDI Media, Elliott/McDonald and Missouri Outdoor Advertising Association commented that section (4) should be struck because of potential adverse practices where advertiser could be penalized for the action of another.

RESPONSE AND EXPLANATION OF CHANGE: The commission considered the comment and is striking section (4) and renumbering the sections accordingly.

7 CSR 10-6.085 Cutting and Trimming of Vegetation on Right-of-Way

(4) Appeal for Denial of Permit to Cut or Trim. If denied a permit to cut or trim vegetation, the applicant has twenty (20) working days to submit a written appeal to the Right-of-Way Director, Missouri Department of Transportation, PO Box 270, Jefferson City, MO 65102.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.090 Administrative Review of Notices to Remove
Outdoor Advertising and to Terminate Nonconforming Signs is
amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 968). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation
Commission
Chapter 6—Outdoor Advertising

ORDER OF RULEMAKING

By the authority vested in the Missouri Highways and Transportation Commission under sections 226.020 and 227.240, RSMo 2000, the commission amends a rule as follows:

7 CSR 10-6.100 Removal or Concealment of Outdoor Advertising
Pending Judicial Review is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2003 (28 MoReg 968). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 2—Definitions

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

10 CSR 60-2.015 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 735-736). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.020 Maximum Microbiological Contaminant Levels
and Monitoring Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 736-737). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 737-739). Those sections with changes are reprinted here. This proposed amendment becomes effective on **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003.

COMMENT: At the public hearing the department testified that the proposed amendment adopts U.S. EPA's rule "Arsenic and Clarifications to Compliance and New Source Contaminant Monitoring," published in the January 22, 2001, *Federal Register*.

The most significant impact is the change in the arsenic maximum contaminant level (MCL) from 50 parts per billion to 10 parts per billion. The lower MCL is anticipated to increase public health protection by reducing the incidence of bladder cancer, lung cancer, and certain noncancerous diseases such as diabetes and heart disease. The MCL will become effective in Missouri on January 23, 2006, regardless of whether this rulemaking proceeds or not.

The representative of a federal agency pointed out that the U.S. EPA published a clarification to the arsenic MCL subsequent to the publication of this proposed amendment and recommended that this clarification be adopted.

RESPONSE AND EXPLANATION OF CHANGE: The commission agreed with making this change. An error in cross-referencing is also corrected. The revised subsection is reprinted here and the remainder of the amendment is adopted as proposed.

10 CSR 60-4.030 Maximum Inorganic Chemical Contaminant Levels, Action Levels and Monitoring Requirements

(1) Maximum Contaminant Levels (MCL) or Action Levels.

(A) The maximum contaminant or action level listed as follows for inorganic chemicals 1.-17. apply to community water systems. The maximum contaminant or action level listed as follows for inorganic chemicals 1.-9. and 11.-17. apply to nontransient noncommunity water systems. The maximum contaminant or action level listed as follows for inorganic chemicals 13.-15. apply to transient noncommunity water systems:

Contaminant	Maximum Contaminant Level (MCL)
1. Antimony	0.006 mg/l
2. Arsenic	0.05 mg/l (until Jan. 23, 2006) 0.010 mg/l (effective Jan. 23, 2006)
3. Asbestos	7 million fibers/liter (longer than 10 µm in length)
4. Barium	2 mg/l
5. Beryllium	0.004 mg/l
6. Cadmium	0.005 mg/l
7. Chromium	0.1 mg/l
8. Copper	* (See 10 CSR 60-15.010(3)(B))
9. Cyanide	0.2 mg/l
10. Fluoride	4.0 mg/l
11. Lead	* (See 10 CSR 60-15.010(3)(A))
12. Mercury	0.002 mg/l

13. Nitrate	10 mg/l (as nitrogen)
14. Nitrite	1 mg/l (as nitrogen)
15. Total Nitrate and Nitrite	10 mg/l (as nitrogen)
16. Selenium	0.05 mg/l
17. Thallium	0.002 mg/l

*Indicates action levels rather than maximum contaminant levels.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.040 Maximum Synthetic Organic Chemical Contaminant Levels and Monitoring Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 739). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.050 Maximum Turbidity Levels and Monitoring Requirements and Filter Backwash Recycling is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 739-743). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that proposed changes made by the U.S. EPA's Long-Term 1 Enhanced Surface Water Treatment Rule (LT1) are found in 10 CSR 60-4.050 and 10 CSR 60-4.055. LT1 is the third in a series of surface water treatment rules. The purpose of the surface water treatment rules is to protect public health from microbial contaminants in drinking water, such as Cryptosporidium. EPA's research has shown that the presence of microbial contaminants in drinking water are a substantial health concern. This research is summarized in the preamble to EPA's proposed rule, which was published in the April 10, 2000 *Federal Register*, and in the final rule, which was published January

14, 2002. LT1 extends turbidity, disinfection, and disinfection profiling requirements that are already in effect for larger surface water systems (serving a population of ten thousand (10,000) or more) to surface water systems serving less than ten thousand (10,000) people. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.055 Disinfection Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 744–746). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that proposed changes made by the U.S. EPA's Long-Term 1 Enhanced Surface Water Treatment Rule (LT1) are found in 10 CSR 60-4.050 and 10 CSR 60-4.055. LT1 is the third in a series of surface water treatment rules. The purpose of the surface water treatment rules is to protect public health from microbial contaminants in drinking water, such as Cryptosporidium. EPA's research has shown that the presence of microbial contaminants in drinking water are a substantial health concern. This research is summarized in the preamble to EPA's proposed rule, which was published in the April 10, 2000 *Federal Register*, and in the final rule, which was published January 14, 2002. LT1 extends turbidity, disinfection, and disinfection profiling requirements that are already in effect for larger surface water systems (serving a population of ten thousand (10,000) or more) to surface water systems serving less than ten thousand (10,000) people. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.070 Secondary Contaminant Levels and Monitoring Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 746–747). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the pro-

posed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 747–752). The section with changes is reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment.

EXPLANATION OF CHANGE: The commission is correcting a typographical error in subparagraph (3)(B)1.C. and otherwise the amendment is adopted as proposed.

10 CSR 60-4.090 Maximum Contaminant Levels and Monitoring Requirements for Disinfection By-Products

(3) Monitoring Requirements and Plan.

(B) Monitoring Requirements for Disinfection By-Products.

1. TTHMs and HAA5.

A. Routine monitoring. Systems must monitor at the frequency indicated in Table 2.

Table 2. Routine Monitoring Frequency for TTHM and HAAS

Surface water or GWUDISW system serving at least 10,000 people.	Four (4) water samples per quarter per treatment plant.	At least 25 percent of all samples collected each quarter at locations representing maximum residence time. Remaining samples taken at locations representative of at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods. ¹
Surface water or GWUDISW system serving from 500 to 9,999 people.	One (1) water sample per quarter per treatment plant.	Locations representing maximum residence time. ¹
Surface water or GWUDISW system serving fewer than 500 people.	One (1) sample per year per treatment plant during month of warmest water temperature.	Locations representing maximum residence time. ¹ If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets reduced monitoring criteria in subsection (3)(C) of this rule.
System using only ground-water not under the direct influence of surface water using chemical disinfectant and serving at least 10,000 people.	One (1) water sample per quarter per treatment plant. ²	Locations representing maximum residence time. ¹
System using only ground-water not under the direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	One (1) sample per year per treatment plant ² during month of warmest water temperature.	Locations representing maximum residence time. ¹ If the sample (or average of annual samples, if more than one sample is taken) exceeds MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until system meets the criteria in subsection (3)(C) of this rule for reduced monitoring.

¹If a system elects to sample more frequently than the minimum required, at least 25 percent of all samples collected each quarter (including those taken in excess of the required frequency) must be taken at locations that represent the maximum residence time of the water in the distribution system. The remaining samples must be taken at locations representative of at least average residence time in the distribution system.

²Multiple wells drawing water from a single aquifer may be considered one (1) treatment plant for determining the minimum number of samples required, with department approval.

B. Systems may reduce monitoring except as otherwise provided, in accordance with Table 3.

Table 3. Reduced Monitoring Frequency TTHM and HAAS

If you are a . . .	You may reduce monitoring if you have monitored at least one year and your . . .	To this level
Surface water or GWUDISW system serving at least 10,000 persons which has a source water annual average total organic carbon (TOC) level, before any treatment, $\leq 4.0 \text{ mg/l}$.	TTHM annual average $\leq 0.040 \text{ mg/l}$ and HAA5 annual average $\leq 0.030 \text{ mg/l}$.	One (1) sample per treatment plant per quarter at distribution system location reflecting maximum residence time.
Surface water or GWUDISW system serving from 500 to 9,999 persons which has a source water annual average TOC level, before any treatment, $\leq 4.0 \text{ mg/l}$.	TTHM annual average $\leq 0.040 \text{ mg/l}$ and HAA5 annual average $\leq 0.030 \text{ mg/l}$.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature. NOTE: Any surface water or GWUDISW system serving fewer than 500 persons may not reduce its monitoring to less than one sample per treatment plant per year.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving at least 10,000 persons.	TTHM annual average $\leq 0.040 \text{ mg/l}$ and HAA5 annual average $\leq 0.030 \text{ mg/l}$.	One (1) sample per treatment plant per year at distribution system location reflecting maximum residence time during month of warmest water temperature.
System using only groundwater not under direct influence of surface water using chemical disinfectant and serving fewer than 10,000 persons.	TTHM annual average $\leq 0.040 \text{ mg/l}$ and HAA5 annual average $\leq 0.030 \text{ mg/l}$ for two consecutive years OR TTHM annual average $\leq 0.20 \text{ mg/l}$ and HAA5 annual average $\leq 0.015 \text{ mg/l}$ for one year.	One (1) sample per treatment plant every three (3) years at distribution system location reflecting maximum residence time during month of warmest water temperature, with the three-year cycle beginning on January 1 following quarter in which system qualifies for reduced monitoring.

C. Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year (for systems which must monitor quarterly) or the result of the sample (for systems which must monitor no more frequently than annually) is no more than 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. Systems that do not meet these levels must resume monitoring at the frequency identified in Table 2: Routine Monitoring in the quarter immediately following the quarter in which the system exceeds 0.060 mg/l for TTHMs and 0.045 mg/l for HAA5. For systems using only groundwater not under the direct influence of surface water and serving fewer than ten thousand (10,000) persons, if either the TTHM annual average is greater than 0.080 mg/l or the HAA5 annual average is greater than 0.060 mg/l, the system must go to increased monitoring. Systems on increased monitoring may return to routine monitoring if after at least one (1) year of monitoring their TTHM annual average is less than or equal to 0.060 mg/l and HAA5 annual average is less than or equal to 0.045 mg/l, respectively.

D. The department may return a system to routine monitoring at the department's discretion.

2. Chlorite. Community and nontransient noncommunity water systems using chlorine dioxide, for disinfection or oxidation, must conduct monitoring for chlorite.

A. Routine monitoring.

(I) Daily monitoring. Systems must take daily samples at the entrance to the distribution system. For any daily sample that exceeds the chlorite MCL, the system must take additional samples in the distribution system the following day at the following locations:

near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system, in addition to the sample required at the entrance to the distribution system.

(II) Monthly monitoring. Systems must take a three (3)-sample set each month in the distribution system. The system must take one (1) sample at each of the following locations: near the first customer; at a location representative of average residence time; and at a location reflecting maximum residence time in the distribution system. Any additional routine sampling must be conducted in the same manner (as three (3)-sample sets, at the specified locations). The system may use the results of additional monitoring conducted under subparagraph (3)(B)2.B. to meet the requirement for monthly monitoring.

B. Additional monitoring. On each day following a routine sample monitoring result that exceeds the chlorite MCL at the entrance to the distribution system, the system is required to take three (3) chlorite distribution system samples at the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible (reflecting maximum residence time in the distribution system).

C. Reduced monitoring.

(I) Chlorite monitoring at the entrance to the distribution system required by item (3)(B)2.A.(I) of this rule may not be reduced.

(II) Chlorite monitoring in the distribution system required by item (3)(B)2.A.(II) of this rule may be reduced to one (1) three

(3)-sample set per quarter after one (1) year of monitoring where no individual chlorite sample taken in the distribution system under item (3)(B)2.A.(II) of this rule has exceeded the chlorite MCL and the system has not been required to conduct monitoring under subparagraph (3)(B)2.B. of this rule. The system may remain on the reduced monitoring schedule until either any of the three (3) individual chlorite samples taken quarterly in the distribution system under item (3)(B)2.A.(II) of this rule exceeds the chlorite MCL or the system is required to conduct monitoring under subparagraph (3)(B)2.B. of this rule, at which time the system must revert to routine monitoring.

3. Bromate.

A. Routine monitoring. Community and nontransient non-community systems using ozone for disinfection or oxidation must take one (1) sample per month for each treatment plant in the system using ozone. Systems must take samples monthly at the entrance to the distribution system while the ozonation system is operating under normal conditions.

B. Reduced monitoring. Systems required to analyze for bromate may reduce monitoring from monthly to once per quarter, if the system demonstrates that the average source water bromide concentration is less than 0.05 mg/L based upon representative monthly bromide measurements for one (1) year. The system may remain on reduced bromate monitoring until the running annual average source water bromide concentration, computed quarterly, is equal to or greater than 0.05 mg/L based upon representative monthly measurements. If the running annual average source water bromide concentration is greater than or equal to 0.05 mg/L, the system must resume routine monitoring.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

10 CSR 60-4.100 Maximum Volatile Organic Chemical Contaminant Levels and Monitoring Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 752–753). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective November 30, 2003.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 6—Enforcement

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission amends a rule as follows:

10 CSR 60-6.050 Procedures and Requirements for Abatement Orders is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 753). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective November 30, 2003.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 7—Reporting

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

10 CSR 60-7.010 Reporting Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 753–756). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective November 30, 2003.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission rescinds a rule as follows:

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 15, 2003 (28 MoReg 757). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective on November 30, 2003.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the purpose for this proposed rescission is to replace this rule with a new rule with the same name and number. If the new rule is not adopted, the rescission will be withdrawn. No comments were received on the proposed rescission. The rule is rescinded as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp. 2002, the commission adopts a rule as follows:

10 CSR 60-8.010 Public Notification of Conditions Affecting a Public Water Supply is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 15, 2003 (28 MoReg 757-764). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that this rulemaking adopts the U.S. EPA rule, "Public Notification of Conditions Affecting a Public Water Supply," published in the May 4, 2000 *Federal Register*, and subsequent revisions to that rule, published in the June 21, 2000, June 30, 2000, and September 7, 2001 *Federal Registers*. EPA's public notice requirements became effective for all public water systems in Missouri on May 6, 2002. Regardless of whether this rule is adopted or not, water systems must comply with the federal requirements. Overall, this rule is expected to be a cost-savings to public water systems compared to the existing public notice requirements.

COMMENT: Two (2) comment letters were received. The representative of a public water system commented that complying with the requirement that community water systems provide dual notification for a total coliform violation (Tier 2) is expensive. The system recently provided dual notification (direct mailing and newspaper publication) for such a violation at a cost of \$2,368.02, compared with \$116 under the existing state rule.

RESPONSE: The commission pointed out that dual notification is not required under either the federal or state rule. The rule requires notice to be provided by "mail or direct delivery to each customer receiving a bill and to other service connections to which water is delivered by a public water system; and any other method reasonably calculated to reach *other persons* regularly served by the water system *if they would not normally be reached by mail or direct delivery.*" (Emphasis added.) The department can allow up to three (3) months to provide Tier 2 notice if the violation has been resolved. Community water systems that do not do at least quarterly billing and have a total coliform violation would have some mailing or direct delivery costs, and those that use a postcard type bill would incur some additional costs for envelopes and postage. However, this is a federal requirement, already in effect in Missouri, with which water systems must comply. Overall, we continue to believe that the new requirements will be a cost-savings compared to the previous requirements.

COMMENT: The director of a national organization representing public employees for environmental responsibility commented that drinking water rules are the weakest statutes in the *Code of Federal Regulations*. The proposed rule replaces the federal public notice law with a new state law and is inferior to the federal law. As an example, the commenter states that Missouri state parks have a significant number of violations and a poor record of performing public notice, so strong public notice standards are needed. The proposed rule weakens the federal standards currently in use.

RESPONSE: The commission agrees that strong public notice standards are needed and believes that this rule provides those standards. The proposed rule adopts the federal rule currently in effect and it is at least as stringent as the federal rule. No changes are made in response to the comment.

COMMENT: The commenter states that a major problem with the proposed rule is that it does not include a table or appendix that specifies which violations fall into what tier. The reader must sift through the entire text of the rule to find Tier I violations, and no Tier 2 or 3 violations are listed.

RESPONSE: The commission directs the commenter's attention to subsection (2)(A), "Violation Categories and Other Situations Requiring a Tier 1 Public Notice" for a list of violations and other situations requiring Tier 1 notice. The commenter's attention is further directed to subsections (3)(A) for a specific list of violations and other situations requiring Tier 2 notice and (4)(A) for a specific list of violations and other situations requiring Tier 3 notice. No changes are needed or made.

COMMENT: The commenter stated that no criteria is provided to define the difference between tiers. The rule allows the department to assign classifications at will.

RESPONSE: In response, the commenter's attention is directed to paragraphs (2)(A)1., (3)(A)1., and (4)(A)1. where each tier is defined, using the same designation and explanation as found in the federal rule. No changes are needed or made.

COMMENT: The commenter pointed out that the format of federal rule uses several tables throughout the text of the rule and expressed the opinion that this is a better format than the state rule text. Also, the required health effects language is in an appendix in the federal rule rather than being included in the text of the rule, and includes the maximum contaminant levels (MCLs) and maximum contaminant level goals (MCLG).

RESPONSE: The commission considered the comments but believes the format of the proposed rule fits the structure of state rules. Health effects language in the state public notice rule has been included as a section of the rule for a number of years. No water system representatives or water industry associations have commented on or expressed concern with this long-standing format.

MCLGs are non-enforceable federal standards, not regulatory requirements. Including them in this rule would serve no functional purpose. In regard to repeating MCLs in this section of the rule, a water system owner/operator looking up health effect language would be doing so after exceeding an MCL (therefore, would already know the MCL), so it seems to serve no purpose to repeat the MCL in this section.

No changes are made to the proposed rule. It is adopted as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 8—Public Notification

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo Supp 2002, the commission amends a rule as follows:

10 CSR 60-8.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 764-775). Those sections with changes are reprinted

here. This proposed amendment becomes effective **November 30, 2003.**

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment.

COMMENT: One (1) comment letter was received from the director of a national organization representing public employees for environmental responsibility. The commenter asked why health effects language is included in this rule and in the public notice rule, and why Appendix C does not list maximum contaminant levels (MCLs) and maximum contaminant level goals (MCGLs).

RESPONSE: The health effects language for Consumer Confidence Reports (CCR) is different in many cases from the health effects language for public notice. The appropriate health effects language is included in each rule. MCLs and MCGLs are listed in Appendix A rather than Appendix C. This was the structure of the federal CCR rule until it was recently reorganized to combine all three appendices into one appendix. No changes are made in response to the comment.

EXPLANATION OF CHANGE: To be consistent with the change made to 10 CSR 60-4.030, the arsenic MCL in Appendix A is corrected to read 0.010. The corrected appendix is reprinted below.

10 CSR 60-8.030 Consumer Confidence Reports

Appendix A to 10 CSR 60-8.030
Converting MCL Compliance Values for Consumer Confidence Reports

Key

AL = Action Level

MCL = Maximum Contaminant Level

MCLG = Maximum Contaminant Level Goal

MFL = million fibers per liter

mrem/year = millirems per year (a measure of radiation absorbed by the body)

NTU = Nephelometric Turbidity Units

pCi/l = picocuries per liter (a measure of radioactivity)

ppm = parts per million, or milligrams per liter ($\mu\text{g}/\text{l}$)ppb = parts per billion, or micrograms per liter ($\mu\text{g}/\text{l}$)

ppt = parts per trillion, or nanograms per liter

ppq = parts per quadrillion, or picograms per liter

TT = Treatment Technique

Contaminant	MCL in compliance units (mg/l)	multiply by . . .	MCL in CCR units	MCLG in CCR units
Microbiological Contaminants				
1. Total Coliform Bacteria	(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.		(Systems that collect 40 or more samples per month) $\geq 5\%$ of monthly samples are positive; (systems that collect fewer than 40 samples per month) 1 positive monthly sample.	0
2. Fecal coliform and <i>E. coli</i>	0		A routine sample and a repeat sample are total coliform positive, and one is also fecal coliform or <i>E. coli</i> positive.	0
3. Total organic carbon (ppm)	TT		TT	n/a
4. Turbidity	TT		TT (NTU)	n/a
Radioactive Contaminants				
5. Beta/photon emitters	4 mrem/yr		4 mrem/yr	0
6. Alpha emitters	15 pCi/l		15 pCi/l	0
7. Combined radium	5 pCi/l		5 pCi/l	0
8. Uranium (pCi/l)	30 $\mu\text{g}/\text{l}$		30	0
Inorganic Contaminants				
9. Antimony	0.006	1000	6 ppb	6
10. Arsenic	0.05*	1000	50 ppb*	n/a*
	0.010**		10 ppb**	0**
*These arsenic values are effective until Jan. 23, 2006.				
**These arsenic values are effective Jan. 23, 2006.				
11. Asbestos	7 MFL		7 MFL	7
12. Barium	2		2 ppm	2
13. Beryllium	0.004	1000	4 ppb	4
14. Bromate (ppb)	0.010	1000	10	0
15. Cadmium	0.005	1000	5 ppb	5
16. Chloramines (ppm)	MRDL=4		MRDL=4	4
17. Chlorine (ppm)	MRDL=4		MRDL=4	4
18. Chlorine dioxide (ppb)	MRDL=.8	1000	MRDL=.8	800
19. Chlorite (ppm)	1		1	0.8
20. Chromium	0.1	1000	100 ppb	100
21. Copper	AL=1.3		AL=1.3 ppm	1.3
22. Cyanide	0.2	1000	200 ppb	200
23. Fluoride	4		4 ppm	4
24. Lead	AL=.015	1000	AL=15 ppb	0
25. Mercury (inorganic)	0.002	1000	2 ppb	2
26. Nitrate (as Nitrogen)	10		10 ppm	10
27. Nitrite (as Nitrogen)	1		1 ppm	1

28. Selenium	0.05	1000	50 ppb	50
29. Thallium	0.002	1000	2 ppb	0.5
Synthetic Organic Contaminants Including Pesticides and Herbicides				
30. 2,4-D	0.07	1000	70 ppb	70
31. 2,4,5-TP [Silvex]	0.05	1000	50 ppb	50
32. Acrylamide			TT	0
33. Alachlor	0.002	1000	2 ppb	0
34. Atrazine	0.003	1000	3 ppb	3
35. Benzo(a)pyrene [PAH]	0.0002	1,000,000	200 ppt	0
36. Carbofuran	0.04	1000	40 ppb	40
37. Chlordane	0.002	1000	2 ppb	0
38. Dalapon	0.2	1000	200 ppb	200
39. Di(2-ethylhexyl)adipate	0.4	1000	400 ppb	400
40. Di(2-ethylhexyl) phthalate	0.006	1000	6 ppb	0
41. Dibromochloropropane	0.0002	1,000,000	200 ppt	0
42. Dinoseb	0.007	1000	7 ppb	7
43. Diquat	0.02	1000	20 ppb	20
44. Dioxin [2,3,7,8-TCDD]	0.00000003	1,000,000,000	30 ppq	0
45. Endothall	0.1	1000	100 ppb	100
46. Endrin	0.002	1000	2 ppb	2
47. Epichlorohydrin	TT		TT	0
48. Ethylene dibromide	0.00005	1,000,000	50 ppt	0
49. Glyphosate	0.7	1000	700 ppb	700
50. Heptachlor	0.0004	1,000,000	400 ppt	0
51. Heptachlor epoxide	0.0002	1,000,000	200 ppt	0
52. Hexachlorobenzene	0.001	1000	1 ppb	0
53. Hexachloro-cyclopentadiene	0.05	1000	50 ppb	50
54. Lindane	0.0002	1,000,000	200 ppt	200
55. Methoxychlor	0.04	1000	40 ppb	40
56. Oxamyl [Vydate]	0.2	1000	200 ppb	200
57. PCBs [Polychlorinated biphenyls]	0.0005	1,000,000	500 ppt	0
58. Pentachlorophenol	0.001	1000	1 ppb	0
59. Picloram	0.5	1000	500 ppb	500
60. Simazine	0.004	1000	4 ppb	4
61. Toxaphene	0.003	1000	3 ppb	0
Volatile Organic Contaminants				
62. Benzene	0.005	1000	5 ppb	0
63. Carbon tetrachloride	0.005	1000	5 ppb	0
64. Chlorobenzene	0.1	1000	100 ppb	100
65. o-Dichlorobenzene	0.6	1000	600 ppb	600
66. p-Dichlorobenzene	0.075	1000	75 ppb	75
67. 1,2-Dichloroethane	0.005	1000	5 ppb	0
68. 1,1-Dichloroethylene	0.007	1000	7 ppb	7
69. cis-1,2-Dichloroethylene	0.07	1000	70 ppb	70
70. trans-1,2-Dichloroethylene	0.1	1000	100 ppb	100
71. Dichloromethane	0.005	1000	5 ppb	0
72. 1,2-Dichloropropane	0.005	1000	5 ppb	0
73. Ethylbenzene	0.7	1000	700 ppb	700
74. Haloacetic Acids (HAA) (ppb)	0.060	1000	60	n/a
75. Styrene	0.1	1000	100 ppb	100
76. Tetrachloroethylene	0.005	1000	5 ppb	0
77. 1,2,4-Trichlorobenzene	0.07	1000	70 ppb	70
78. 1,1,1-Trichloroethane	0.2	1000	200 ppb	200
79. 1,1,2-Trichloroethane	0.005	1000	5 ppb	3
80. Trichloroethylene	0.005	1000	5 ppb	0
81. TTHMs [Total trihalomethanes]	0.10/.080	1000	100/80 ppb	n/a

82. Toluene	1		1 ppm	1
83. Vinyl Chloride	0.002	1000	2 ppb	0
84. Xylenes	10		10 ppm	10

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 9—Record Maintenance

ORDER OF RULEMAKING

By the authority vested in the Safe Drinking Water Commission under section 640.100, RSMo, Supp. 2002, the commission amends a rule as follows:

10 CSR 60-9.010 Requirements for Maintaining Public Water System Records is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 15, 2003 (28 MoReg 776). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **November 30, 2003**.

SUMMARY OF COMMENTS: A public hearing on this amendment was held May 22, 2003 and the public comment period ended June 16, 2003. At the public hearing the department testified that the proposed rulemaking adopts U.S. EPA rules on arsenic, public notice, and surface water treatment. No comments were received. The amendment is adopted as proposed.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure

ORDER OF RULEMAKING

By the authority vested in the director of revenue under sections 301.140 and 307.380, RSMo 2000, the director amends a rule as follows:

12 CSR 10-26.180 Temporary Permits Sold by a Registered Missouri Motor Vehicle Dealer is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 16, 2003 (28 MoReg 1110-1111). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the Committee amends a rule as follows:

19 CSR 60-50.410 Letter of Intent Package is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2003 (28 MoReg 1194-1195). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 31, 2003. The Certificate of Need Program (CONP) staff, on behalf of the Committee, received one (1) comment on this rule.

COMMENT: J. David Bechtold, representing the Missouri Health Care Association, asserted that the Committee did not recognize the cost to state agencies, such as the Medicaid Program, or political subdivisions which they believed would exceed five hundred dollars (\$500) in the aggregate. His calculations over a five (5)-year period would result in a claimed public agency impact of four hundred twenty-seven thousand fifty dollars (\$427,050) in additional Medicaid cost for every unneeded but approved sixty (60)-bed nursing home project. He also postulated that there would be an additional private entity cost above that already recognized by the Committee; and that this cost represented revenue lost by individual providers due to the construction of unneeded facilities which would in turn reduce the overall occupancy of existing facilities. His calculations over a five (5)-year period would result in a claimed private entity impact of \$10,621,500 in lost revenue to existing nursing homes for every unneeded but approved sixty (60)-bed nursing home project.

RESPONSE: The adoption of this rule will not require or result in an expenditure of public funds by, or a reduction of public revenues for, the Committee in the operation of its CONP, or any other agency of state government or any political subdivision thereof, when compared to expenses and revenues for these entities prior to adoption of this rule. Three (3) times in the last eight (8) years Missouri courts have taken up and turned down the question of “pecuniary expense of public funds” due to “expenses for the operations of a facility to be covered by Missouri Medicaid which would not be incurred but for this facility and/or are increased by the construction, licensure and subsequent operation of the facility.” They essentially concluded that the Committee’s actions do not create additional Medicaid expenses. As for service utilization, it is disingenuous to couple any of the Committee’s actions with declining facility occupancy when other countervailing factors, such as the availability of alternative care, changing reimbursement standards and increasing elderly population, so strongly influence institutional selection and use. No changes have been made as a result of this comment.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 60—Missouri Health Facilities Review Committee
Chapter 50—Certificate of Need Program

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the Committee amends a rule as follows:

19 CSR 60-50.430 Application Package is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2003 (28 MoReg 1199-1201). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 31, 2003. The Certificate of Need Program (CONP) staff, on behalf of the Committee, received one (1) comment on this rule.

COMMENT: J. David Bechtold, representing the Missouri Health Care Association, asserted that the Committee did not recognize the cost to state agencies, such as the Medicaid Program, or political subdivisions which they believed would exceed five hundred dollars (\$500) in the aggregate. His calculations over a five (5)-year period would result in a claimed public agency impact of four hundred twenty-seven thousand fifty dollars (\$427,050) in additional Medicaid cost for every unneeded but approved sixty (60)-bed nursing home project. He also postulated that there would be an additional private entity cost above that already recognized by the Committee; and that this cost represented revenue lost by individual providers due to the construction of unneeded facilities which would in turn reduce the overall occupancy of existing facilities. His calculations over a five (5)-year period would result in a claimed private entity impact of \$10,621,500 in lost revenue to existing nursing homes for every unneeded but approved sixty (60)-bed nursing home project.

RESPONSE: The adoption of this rule will not require or result in an expenditure of public funds by, or a reduction of public revenues for, the Committee in the operation of its CONP, or any other agency of state government or any political subdivision thereof, when compared to expenses and revenues for these entities prior to adoption of this rule. Three (3) times in the last eight (8) years Missouri courts have taken up and turned down the question of "pecuniary expense of public funds" due to "expenses for the operations of a facility to be covered by Missouri Medicaid which would not be incurred but for this facility and/or are increased by the construction, licensure and subsequent operation of the facility." They essentially concluded that the Committee's actions do not create additional Medicaid expenses. As for service utilization, it is disingenuous to couple any of the Committee's actions with declining facility occupancy when other countervailing factors, such as the availability of alternative care, changing reimbursement standards and increasing elderly population, so strongly influence institutional selection and use. No changes have been made as a result of this comment.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 60—Missouri Health Facilities
Review Committee
Chapter 50—Certificate of Need Program**

ORDER OF RULEMAKING

By the authority vested in the Missouri Health Facilities Review Committee (Committee) under section 197.320, RSMo 2000, the Committee amends a rule as follows:

19 CSR 60-50.700 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2003 (28 MoReg 1205-1206). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held July 31, 2003. The Certificate of Need Program (CONP) staff, on behalf of the Committee, received one (1) comment on this rule.

COMMENT: Thomas R. Piper, representing the CONP, commented that, in sections (5), (6) and (8), the dash before the itemization of component paragraphs should be replaced by a colon.

RESPONSE AND EXPLANATION OF CHANGE: These sections were modified accordingly.

19 CSR 60-50.700 Post-Decision Activity

(5) A CON shall be subject to forfeiture for failure to:

(A) Incur a project-specific capital expenditure within twelve (12) months after the date the CON was issued through initiation of project aboveground construction or lease/purchase of the proposed equipment since a capital expenditure, according to generally accepted accounting principles, must be applied to a capital asset; or

(B) File the required Periodic Progress Report.

(6) If the CONP staff finds that a CON may be subject to forfeiture:

(A) Not less than thirty (30) calendar days prior to a Committee meeting, the CONP shall notify the applicant in writing of the possible forfeiture, the reasons for it, and its placement on the Committee agenda for action; and

(B) After receipt of the notice of possible forfeiture, the applicant may submit information to the Committee within ten (10) calendar days to show compliance with this rule or other good cause as to why the CON shall not be forfeited.

(8) Cost overrun review procedures implement the CON statute section 197.315.7, RSMo. Immediately upon discovery that a project's actual costs would exceed approved project costs by more than ten percent (10%), an applicant shall apply for approval of the cost variance. A nonrefundable fee in the amount of one-tenth of one percent (0.1%) of the additional project cost above the approved amount made payable to "Missouri Health Facilities Review Committee" shall be required. The original and eleven (11) copies of the information requirements for a cost overrun review are required as follows:

(A) Amount and justification for cost overrun shall document:

1. Why and how the approved project costs would be exceeded, including a detailed listing of the areas involved;

2. Any changes that have occurred in the scope of the project as originally approved; and

3. The alternatives to incurring this overrun that were considered and why this particular approach was selected; and

(B) Provide a Proposed Project Budget (Form MO 580-1863).

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 2—Definintons

IN ADDITION

A proposed amendment to 10 CSR 60-2.015 was filed on March 17, 2003 and published in the *Missouri Register* on April 15, 2003 (28 MoReg 735–736). Paragraph (2)(D)2. was submitted with language added for the title of the Department of Health and Senior Services, but this language was inadvertently omitted during the publication process. This paragraph is reprinted below as it would have appeared in the March 17, 2003 *Missouri Register* and as it will appear in the October 31, 2003 update to the *Code of State Regulations*.

10 CSR 60-2.015 Definitions

- (2) Definitions.
(D) Terms beginning with the letter D.
2. Department of Health. The Missouri Department of Health and Senior Services.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES**
**Division 60—Missouri Health Facilities
Review Committee**
Chapter 50—Certificate of Need Program

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for October 24, 2003. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

08/22/03

#3500 NP: Community Care Center
of Lemay, Inc.
St. Louis (St. Louis County)
\$1,230,000, Long term care (LTC) bed
expansion of 45 skilled nursing facility beds

08/28/03

#3518 RS: Culpepper Place of Springfield
Springfield (Greene County)
\$2,500,000, Renovate residential care facility I

09/08/03

#3388 RP: Townhouse Residential Care
Annapolis (Iron County)
\$176,423, LTC bed expansion of
12 residential care facility I beds

09/09/03

#3538 HS: SSM St. Joseph Health Center
St. Charles (St. Charles County)
\$3,676,364, Replace linear accelerator

Any person wishing to request a public hearing for the purpose of commenting on this application must submit a written request to this effect, which must be received by October 13, 2003. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
915 G Leslie Boulevard
Jefferson City, MO 65101

For additional information contact
Donna Schuessler, 573-751-6403.



**STATE OF MISSOURI
JOINT COMMITTEE ON ADMINISTRATIVE RULES**

CINDY KADLEC, DIRECTOR

STATE CAPITOL, ROOM B-8
JEFFERSON CITY, MO 65101

PHONE (573) 751-2443
FAX (573) 751-4778

September 12, 2003

The Honorable Matt Blunt
Secretary of State
Division of Administrative Rules
P.O. Box 778
Jefferson City, MO 65101

Re: 19 CSR 60-50-300 Definitions for the Certificate of Need Process
 19 CSR 60-50.400 Letter of Intent Process
 19 CSR 60-50.420 Review Process
 19 CSR 60-50.450 Criteria and Standards for Long-Term Care

Dear Secretary Blunt:

On September 11, 2003 the Joint Committee on Administrative Rules met to consider the above-referenced rules. During that hearing the Joint Committee on Administrative Rules voted unanimously to disapprove these rules due to the inaccuracy of the fiscal notes filed with the rules in violation of §§536.200 and 536.205 RSMo.

This letter serves as notice of the Joint Committee on Administrative Rule's disapproval of these rules. Pursuant to §536.021 RSMo. and Executive Order 97-97 these rules shall be held in abeyance and should not be published in the Missouri Register for 30 legislative days.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard G. Byrd".

Richard G. Byrd, Chair

cc: Tom Piper

Schedule of Compensation as Required by Section 105.005, RSMo

<u>Office</u>	<u>RSMo Citation</u>	<u>Statutory Salary FY 2003</u>	<u>Statutory Salary FY 2004</u>
Elected Officials			
Governor	26.010	\$120,087	\$120,087
Lt. Governor	26.010	77,184	77,184
Attorney General	27.010	104,332	104,332
Secretary of State	28.010	96,455	96,455
State Treasurer	30.010	96,455	96,455
State Auditor	29.010	96,455	96,455
General Assembly			
Senator	21.140	31,351	31,351
Representative	21.140	31,351	31,351
Speaker of House	21.140	33,851	33,851
President Pro Tem of Senate	21.140	33,851	33,851
Speaker Pro Tem of the House	21.140	32,851	32,851
Majority Floor Leader of House	21.140	32,851	32,851
Majority Floor Leader of Senate	21.140	32,851	32,851
Minority Floor Leader of House	21.140	32,851	32,851
Minority Floor Leader of Senate	21.140	32,851	32,851
State Tax Commissioners	138.230	94,029	94,029
Administrative Hearing Commissioners	621.015	91,637	91,637
Labor and Industrial Relations			
Commissioners	286.005	94,029	94,029
Division of Workers' Compensation			
Legal Advisor	287.615	76,800 *	76,800 *
Chief Counsel	287.615	78,800 *	78,800 *
Administrative Law Judge	287.615	86,400 *	86,400 *
Administrative Law Judge in Charge	287.615	91,400 *	91,400 *
Director, Division of Workers' Compensation	287.615	93,400 *	93,400 *
Public Service Commissioners	386.150	94,029	94,029

	<u>RSMo Citation</u>	<u>Executive Level FY 2003</u>	<u>Executive Level FY 2004</u>
Statutory Department Directors			
Administration, Agriculture, Corrections, Economic Development, Labor and Industrial Relations, Natural Resources, Public Safety, Revenue, and Social Services	105.950	I	I
Probation and Parole	217.665		
Chairman		III	III
Board Members		IV	IV

*Division of Workers' Compensation salaries are tied to those of Associate Circuit Judges.

Schedule of Compensation as Required by Section 476.405, RSMo

	RSMo Citation	Highest Salary FY 2003	Highest Salary FY 2004
<u>Supreme Court</u>			
Chief Justice	477.130	\$125,500	\$125,500
Judges	477.130	123,000	123,000
<u>Court of Appeals</u>			
Judges	477.130	115,000	115,000
<u>Circuit Court</u>			
Circuit Court Judges	478.013	108,000	108,000
Associate Circuit Judges	478.018	96,000	96,000
<u>Juvenile Officers</u>			
Juvenile Officer		40,676	40,676
Chief Deputy Juvenile Officer		34,602	35,202
Deputy Juvenile Officer Class 1		30,635	31,235
Deputy Juvenile Officer Class 2		27,733	28,333
Deputy Juvenile Officer Class 3		25,132	25,732
<u>Court Reporters</u>	485.060	48,660	48,660
<u>Probate Commissioner</u>	478.266	108,000 *	108,000 *
	& 478.267		
Deputy Probate Commissioner	478.266	96,000 *	96,000 *
<u>Family Court Commissioner</u>	211.023	96,000 *	96,000 *
	& 487.020		
<u>Circuit Clerk</u>			
1st Class Counties	483.083	60,330	60,330
St. Louis City	483.083	100,267	100,267
Jackson, Jasper & Cape Girardeau	483.083	65,337	65,337
2nd & 4th Class Counties	483.083	54,249	54,249
3rd Class Counties	483.083	47,300	47,300
Marion-Hannibal & Palmyra	483.083	53,378	53,378
Randolph & Lewis	483.083	51,811	51,811

*Salaries are tied to those of Circuit and Associate Circuit Judges.

**Missouri Executive Pay Plan
Fiscal Year 2004**

Executive Level	Minimum	Maximum
I	\$75,948	\$111,156
II	\$69,504	\$101,604
III	\$63,636	\$92,928
IV	\$58,332	\$84,936

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

NOTICE OF DISSOLUTION TO ALL CREDITORS
OF AND CLAIMANTS AGAINST SKY ARCHERY COMPANY, INC.

On December 16, 2002, Sky Archery Company, Inc., a Missouri corporation ("Corporation"), agreed to dissolve and wind up the Corporation, and it was, in fact, dissolved upon the filing of its Articles of Dissolution with the Missouri Secretary of State on July 28, 2003.

The Corporation requests that all persons and organizations who have claims against it present them immediately by letter to Ann W. Hoyt at 4150 Wincliff Drive, St. Charles, Missouri, 63304. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF SKY ARCHERY COMPANY, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER THE PUBLICATION DATE OF THIS NOTICE.

MIDWEST CARDIOVASCULAR NETWORK, L.L.C.

NOTICE OF DISSOLUTION

October 15, 2003

NOTICE OF DISSOLUTION OF MIDWEST CARDIOVASCULAR NETWORK, L.L.C., IS HEREBY GIVEN to all claimants, known or unknown, in accordance with Section 347.141 of the Missouri Limited Liability Company Act. MIDWEST CARDIOVASCULAR NETWORK, L.L.C., filed its Notice of Winding Up with the Office of the Secretary of State of Missouri on August 13, 2003. Persons with claims against MIDWEST CARDIOVASCULAR NETWORK, L.L.C., should present them in writing in accordance with the following procedure:

- A) In order to file a claim, you must furnish the following:
 - i) Amount of claim
 - ii) Basis for claim
 - iii) Documentation of the claim
- B) The claim must be mailed to:

Midwest Cardiovascular Network, L.L.C.
c/o N. Rock Erikson
11475 Olde Cabin Road, Suite 200
St. Louis, MO 63141

MIDWEST CARDIOVASCULAR NETWORK, L.L.C., HEREBY NOTIFIES ALL KNOWN CLAIMANTS that any and all claims are barred if the dissolved company does not receive the claim by October 15, 2006.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—26 (2001), 27 (2002) and 28 (2003). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page. R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
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OFFICE OF ADMINISTRATION

1 CSR 10	State Officials' Salary Compensation Schedule				27 MoReg 189 27 MoReg 1724 This Issue
1 CSR 10-4.010	Commissioner of Administration		28 MoReg 1557		
1 CSR 10-18.010	Commissioner of Administration	28 MoReg 1615	28 MoReg 1482		
1 CSR 15-3.320	Administrative Hearing Commission		28 MoReg 1266	This Issue	
1 CSR 15-3.350	Administrative Hearing Commission		28 MoReg 1266	This Issue	
1 CSR 20-2.015	Personnel Advisory Board and Division of Personnel		28 MoReg 1560		
1 CSR 20-3.070	Personnel Advisory Board and Division of Personnel		28 MoReg 1560		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		28 MoReg 1561		

DEPARTMENT OF AGRICULTURE

2 CSR 30-2.040	Animal Health	28 MoReg 711			
2 CSR 30-9.020	Animal Health	28 MoReg 1085			
2 CSR 30-9.030	Animal Health	28 MoReg 1086			
2 CSR 70-13.030	Plant Industries	28 MoReg 1553	28 MoReg 1561		
2 CSR 100-6.010	Missouri Agriculture and Small Business Development Authority		This Issue		

DEPARTMENT OF CONSERVATION

3 CSR 10-1.010	Conservation Commission	28 MoReg 1483			
3 CSR 10-4.111	Conservation Commission	28 MoReg 1088	28 MoReg 1512		
3 CSR 10-5.352	Conservation Commission	28 MoReg 1267	28 MoReg 1718		
3 CSR 10-5.552	Conservation Commission	28 MoReg 1270	28 MoReg 1718		
3 CSR 10-5.553	Conservation Commission	28 MoReg 1273	28 MoReg 1718		
3 CSR 10-5.577	Conservation Commission	28 MoReg 1275	28 MoReg 1718		
3 CSR 10-5.578	Conservation Commission	28 MoReg 1277	28 MoReg 1719		
3 CSR 10-7.410	Conservation Commission	28 MoReg 1088	28 MoReg 1512		
3 CSR 10-7.440	Conservation Commission	N.A.	This Issue		
3 CSR 10-7.455	Conservation Commission	28 MoReg 1089	28 MoReg 1512		
3 CSR 10-8.515	Conservation Commission	N.A.	28 MoReg 1512		
3 CSR 10-9.110	Conservation Commission	28 MoReg 1089	28 MoReg 1513		
3 CSR 10-9.442	Conservation Commission	N.A.	This Issue		
3 CSR 10-11.160	Conservation Commission	28 MoReg 1089	28 MoReg 1513		
3 CSR 10-11.180	Conservation Commission	28 MoReg 1090	28 MoReg 1513		
3 CSR 10-11.182	Conservation Commission	N.A.	28 MoReg 1513		
3 CSR 10-11.186	Conservation Commission	28 MoReg 1090	28 MoReg 1514		
3 CSR 10-11.205	Conservation Commission	28 MoReg 1279	28 MoReg 1719		
3 CSR 10-12.110	Conservation Commission	28 MoReg 1091	28 MoReg 1514		
3 CSR 10-12.135	Conservation Commission	28 MoReg 1091	28 MoReg 1514		
3 CSR 10-12.140	Conservation Commission	28 MoReg 1092	28 MoReg 1514		
3 CSR 10-20.805	Conservation Commission	N.A.	28 MoReg 1719		
		28 MoReg 1093	28 MoReg 1515		
		N.A.	28 MoReg 1719		
		28 MoReg 1279	28 MoReg 1720W		

DEPARTMENT OF ECONOMIC DEVELOPMENT

4 CSR 30-3.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	28 MoReg 1483R			
4 CSR 30-3.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	28 MoReg 1483R			
4 CSR 30-3.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	28 MoReg 1484R			
4 CSR 30-3.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects	28 MoReg 1484R			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-3.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 1484		
4 CSR 30-4.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This IssueR This Issue		
4 CSR 30-4.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-5.140	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-5.150	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		This Issue		
4 CSR 30-16.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 852	28 MoReg 1515	
4 CSR 30-16.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 853	28 MoReg 1515	
4 CSR 30-16.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 854	28 MoReg 1515	
4 CSR 30-16.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1515	
4 CSR 30-16.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1516	
4 CSR 30-16.080	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 855	28 MoReg 1516	
4 CSR 30-16.090	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856	28 MoReg 1516	
4 CSR 30-16.100	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		28 MoReg 856	28 MoReg 1516	
4 CSR 60-1.040	State Board of Barber Examiners		28 MoReg 1487		
4 CSR 60-4.015	State Board of Barber Examiners		28 MoReg 1491		
4 CSR 70-1.010	State Board of Chiropractic Examiners		28 MoReg 1491R 28 MoReg 1492		
4 CSR 70-2.020	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.030	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.040	State Board of Chiropractic Examiners		28 MoReg 1492		
4 CSR 70-2.045	State Board of Chiropractic Examiners		28 MoReg 1495		
4 CSR 70-2.050	State Board of Chiropractic Examiners		28 MoReg 1495		
4 CSR 70-2.060	State Board of Chiropractic Examiners		28 MoReg 1496		
4 CSR 70-2.065	State Board of Chiropractic Examiners		28 MoReg 1499		
4 CSR 70-2.070	State Board of Chiropractic Examiners		28 MoReg 1499		
4 CSR 70-2.080	State Board of Chiropractic Examiners		28 MoReg 1500		
4 CSR 70-2.081	State Board of Chiropractic Examiners		28 MoReg 1501		
4 CSR 70-2.090	State Board of Chiropractic Examiners		28 MoReg 1502		
4 CSR 70-2.100	State Board of Chiropractic Examiners		28 MoReg 1505		
4 CSR 70-3.010	State Board of Chiropractic Examiners		28 MoReg 1506		
4 CSR 100	Division of Credit Unions				28 MoReg 1219 28 MoReg 1391 28 MoReg 1526 28 MoReg 1723
4 CSR 100-2.080	Division of Credit Unions		28 MoReg 1279		
4 CSR 115-1.040	State Committee of Dietitians		28 MoReg 1280		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		28 MoReg 1507		
4 CSR 150-3.080	State Board of Registration for the Healing Arts		28 MoReg 1282		
4 CSR 150-3.170	State Board of Registration for the Healing Arts		28 MoReg 1284		
4 CSR 200-4.021	State Board of Nursing		28 MoReg 1286		
4 CSR 200-4.100	State Board of Nursing		28 MoReg 1286		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 220-5.020	State Board of Pharmacy		28 MoReg 1177		
4 CSR 231-2.010	Division of Professional Registration		28 MoReg 1286		
4 CSR 232-3.010	Missouri State Committee of Interpreters		This Issue		
4 CSR 240-3.155	Public Service Commission		28 MoReg 1507		
4 CSR 240-3.180	Public Service Commission		28 MoReg 1024		
4 CSR 240-3.250	Public Service Commission		28 MoReg 1028		
4 CSR 240-40.018	Public Service Commission		28 MoReg 1032		
4 CSR 250-3.020	Missouri Real Estate Commission		This Issue		
4 CSR 250-8.160	Missouri Real Estate Commission		This Issue		
4 CSR 250-10.010	Missouri Real Estate Commission		This Issue		
4 CSR 267-4.020	Office of Tattooing, Body Piercing and Branding	28 MoReg 947			

DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

5 CSR 30-261.010	Division of Administrative and Financial Services	28 MoReg 1180		
5 CSR 50-310.010	Division of School Improvement	28 MoReg 1039R	28 MoReg 1720R	
5 CSR 50-340.110	Division of School Improvement	28 MoReg 1039	28 MoReg 1720	
5 CSR 50-340.200	Division of School Improvement	28 MoReg 1040	28 MoReg 1720	
5 CSR 50-350.015	Division of School Improvement	28 MoReg 1042R	28 MoReg 1721R	
5 CSR 50-360.010	Division of School Improvement	28 MoReg 1042R	28 MoReg 1721R	
5 CSR 50-370.010	Division of School Improvement	28 MoReg 1042R	28 MoReg 1721R	
5 CSR 60-120.020	Vocational and Adult Education	28 MoReg 1181		
5 CSR 60-900.050	Vocational and Adult Education	28 MoReg 1093		
5 CSR 70-742.160	Special Education	28 MoReg 1042R	28 MoReg 1721R	
5 CSR 80-800.200	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.220	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.230	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.260	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.270	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.280	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.290	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.300	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.350	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.360	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.370	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.380	Teacher Quality and Urban Education	This Issue		
5 CSR 80-800.400	Teacher Quality and Urban Education	This Issue		
5 CSR 90-4.410	Vocational Rehabilitation	28 MoReg 864	28 MoReg 1568	
5 CSR 90-4.420	Vocational Rehabilitation	28 MoReg 864	28 MoReg 1568	
5 CSR 90-5.410	Vocational Rehabilitation	28 MoReg 864	28 MoReg 1568	
5 CSR 90-5.420	Vocational Rehabilitation	28 MoReg 867	28 MoReg 1568	
5 CSR 90-5.440	Vocational Rehabilitation	28 MoReg 869	28 MoReg 1569	
5 CSR 90-7.010	Vocational Rehabilitation	This Issue		
5 CSR 90-7.100	Vocational Rehabilitation	This Issue		
5 CSR 90-7.200	Vocational Rehabilitation	This Issue		
5 CSR 90-7.320	Vocational Rehabilitation	This Issue		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing	28 MoReg 1554	28 MoReg 1563	

DEPARTMENT OF HIGHER EDUCATION

6 CSR 10-6.010	Commissioner of Higher Education	28 MoReg 956	28 MoReg 1516
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DEPARTMENT OF TRANSPORTATION

7 CSR 10-3.040	Missouri Highways and Transportation Commission	28 MoReg 1173R	28 MoReg 1182R
7 CSR 10-6.010	Missouri Highways and Transportation Commission	28 MoReg 958	This Issue
7 CSR 10-6.015	Missouri Highways and Transportation Commission	28 MoReg 958	This Issue
7 CSR 10-6.020	Missouri Highways and Transportation Commission	28 MoReg 960	This Issue
7 CSR 10-6.030	Missouri Highways and Transportation Commission	28 MoReg 960	This Issue
7 CSR 10-6.040	Missouri Highways and Transportation Commission	28 MoReg 961	This Issue
7 CSR 10-6.050	Missouri Highways and Transportation Commission	28 MoReg 963	This Issue
7 CSR 10-6.060	Missouri Highways and Transportation Commission	28 MoReg 963	This Issue
7 CSR 10-6.070	Missouri Highways and Transportation Commission	28 MoReg 964	This Issue

Rule Number	Agency	Emergency	Proposed	Order	In Addition
7 CSR 10-6.080	Missouri Highways and Transportation Commission		28 MoReg 966	This Issue	
7 CSR 10-6.085	Missouri Highways and Transportation Commission		28 MoReg 967	This Issue	
7 CSR 10-6.090	Missouri Highways and Transportation Commission		28 MoReg 968	This Issue	
7 CSR 10-6.100	Missouri Highways and Transportation Commission		28 MoReg 968	This Issue	
7 CSR 10-17.010	Missouri Highways and Transportation Commission		28 MoReg 1563		
7 CSR 10-25.010	Missouri Highways and Transportation Commission	28 MoReg 1173	28 MoReg 1182		

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

8 CSR 10-3.085	Division of Employment Security	28 MoReg 1661		
8 CSR 10-3.130	Division of Employment Security	28 MoReg 948	28 MoReg 969	28 MoReg 1519

DEPARTMENT OF MENTAL HEALTH

9 CSR 10-5.200	Director, Department of Mental Health	28 MoReg 1094		
9 CSR 10-5.220	Director, Department of Mental Health	28 MoReg 873	28 MoReg 1519	
9 CSR 10-7.090	Director, Department of Mental Health	28 MoReg 848	28 MoReg 873	28 MoReg 1519
9 CSR 25-2.005	Fiscal Management	28 MoReg 1371		
9 CSR 25-2.105	Fiscal Management	28 MoReg 1372		
9 CSR 25-2.205	Fiscal Management	28 MoReg 1373R		
9 CSR 25-2.305	Fiscal Management	28 MoReg 1373		
9 CSR 25-2.405	Fiscal Management	28 MoReg 1375		
9 CSR 30-3.032	Certification Standards	28 MoReg 848	28 MoReg 874	28 MoReg 1519
9 CSR 30-3.132	Certification Standards		28 MoReg 1376	
9 CSR 30-3.206	Certification Standards		28 MoReg 1508	
9 CSR 30-3.208	Certification Standards		28 MoReg 1508	
9 CSR 45-5.060	Division of Mental Retardation and Developmental Disabilities	28 MoReg 848	28 MoReg 874	28 MoReg 1520
9 CSR 45-5.105	Division of Mental Retardation and Developmental Disabilities		This Issue	
9 CSR 45-5.110	Division of Mental Retardation and Developmental Disabilities		This Issue	
9 CSR 45-5.130	Division of Mental Retardation and Developmental Disabilities		This Issue	
9 CSR 45-5.140	Division of Mental Retardation and Developmental Disabilities		This Issue	
9 CSR 45-5.150	Division of Mental Retardation and Developmental Disabilities		This Issue	

DEPARTMENT OF NATURAL RESOURCES

10 CSR 10-2.260	Air Conservation Commission	28 MoReg 1564		
10 CSR 10-6.020	Air Conservation Commission	28 MoReg 719	28 MoReg 1569	
10 CSR 10-6.050	Air Conservation Commission			28 MoReg 1586
10 CSR 10-6.060	Air Conservation Commission	28 MoReg 724	28 MoReg 1572	
10 CSR 10-6.061	Air Conservation Commission	28 MoReg 728	28 MoReg 1574	
10 CSR 10-6.062	Air Conservation Commission	28 MoReg 731	28 MoReg 1578	
10 CSR 10-6.065	Air Conservation Commission	28 MoReg 734	28 MoReg 1582	
10 CSR 10-6.070	Air Conservation Commission	28 MoReg 555	28 MoReg 1520	
10 CSR 10-6.075	Air Conservation Commission	28 MoReg 557	28 MoReg 1520	
10 CSR 10-6.080	Air Conservation Commission	28 MoReg 559	28 MoReg 1521	
10 CSR 10-6.110	Air Conservation Commission	28 MoReg 1095		
10 CSR 20-6.010	Air Conservation Commission	28 MoReg 1106		
10 CSR 25-12.010	Hazardous Waste Management Commission	28 MoReg 874		
10 CSR 30-2.020	Land Survey	28 MoReg 878	28 MoReg 1521	
10 CSR 30-2.030	Land Survey	28 MoReg 879	28 MoReg 1522	
10 CSR 30-2.040	Land Survey	28 MoReg 879	28 MoReg 1522	
10 CSR 30-2.060	Land Survey	28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.070	Land Survey	28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.080	Land Survey	28 MoReg 880	28 MoReg 1522	
10 CSR 30-2.090	Land Survey	28 MoReg 881	28 MoReg 1522	
10 CSR 30-2.100	Land Survey	28 MoReg 881	28 MoReg 1523	
10 CSR 60-2.015	Public Drinking Water Program	28 MoReg 735	This Issue	This Issue
10 CSR 60-4.010	Public Drinking Water Program	28 MoReg 969		
10 CSR 60-4.020	Public Drinking Water Program	28 MoReg 736	This Issue	
10 CSR 60-4.030	Public Drinking Water Program	28 MoReg 737	This Issue	
10 CSR 60-4.040	Public Drinking Water Program	28 MoReg 739	This Issue	
10 CSR 60-4.050	Public Drinking Water Program	28 MoReg 739	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 60-4.055	Public Drinking Water Program		28 MoReg 744	This Issue	
10 CSR 60-4.070	Public Drinking Water Program		28 MoReg 746	This Issue	
10 CSR 60-4.090	Public Drinking Water Program		28 MoReg 747	This Issue	
10 CSR 60-4.100	Public Drinking Water Program		28 MoReg 752	This Issue	
10 CSR 60-5.010	Public Drinking Water Program		28 MoReg 973		
10 CSR 60-6.050	Public Drinking Water Program		28 MoReg 753	This Issue	
10 CSR 60-7.010	Public Drinking Water Program		28 MoReg 753	This Issue	
10 CSR 60-8.010	Public Drinking Water Program		28 MoReg 757R	This IssueR	
10 CSR 60-8.030	Public Drinking Water Program		28 MoReg 757	This Issue	
10 CSR 60-9.010	Public Drinking Water Program		28 MoReg 764	This Issue	
10 CSR 70-5.040	Soil and Water Districts Commission	28 MoReg 1369	28 MoReg 776	This Issue	
10 CSR 140-2.020	Division of Energy				28 MoReg 1526
10 CSR 140-2.030	Division of Energy				28 MoReg 1526

DEPARTMENT OF PUBLIC SAFETY

11 CSR 10-5.010	Adjutant General	28 MoReg 1475	28 MoReg 1509		
11 CSR 40-6.010	Division of Fire Safety		28 MoReg 973	28 MoReg 1523	
11 CSR 40-6.020	Division of Fire Safety		28 MoReg 974	28 MoReg 1523	
11 CSR 40-6.031	Division of Fire Safety		28 MoReg 974	28 MoReg 1523	
11 CSR 40-6.040	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.045	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.050	Division of Fire Safety		28 MoReg 977	28 MoReg 1523	
11 CSR 40-6.055	Division of Fire Safety		28 MoReg 978	28 MoReg 1524	
11 CSR 40-6.060	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.075	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.080	Division of Fire Safety		28 MoReg 980	28 MoReg 1524	
11 CSR 40-6.085	Division of Fire Safety		28 MoReg 981	28 MoReg 1524	
11 CSR 45-4.260	Missouri Gaming Commission		28 MoReg 34		
11 CSR 45-9.030	Missouri Gaming Commission		28 MoReg 1106		
11 CSR 45-13.010	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.020	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.030	Missouri Gaming Commission		28 MoReg 1377		
11 CSR 45-13.045	Missouri Gaming Commission		28 MoReg 1378		
11 CSR 45-13.050	Missouri Gaming Commission		28 MoReg 1378		
11 CSR 45-13.051	Missouri Gaming Commission		28 MoReg 1379		
11 CSR 45-13.060	Missouri Gaming Commission		28 MoReg 1379		
11 CSR 45-13.070	Missouri Gaming Commission		28 MoReg 1380		
11 CSR 45-13.080	Missouri Gaming Commission		28 MoReg 1381		
11 CSR 45-30.540	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 45-30.550	Missouri Gaming Commission		28 MoReg 1110		
11 CSR 50-2.010	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.020	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.050	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.160	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.200	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.270	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.320	Missouri State Highway Patrol		This Issue		
11 CSR 50-2.340	Missouri State Highway Patrol		This Issue		
11 CSR 75-13.010	Peace Officer Standards and Training Program		28 MoReg 1043	28 MoReg 1583	
11 CSR 75-13.090	Peace Officer Standards and Training Program		This Issue		
11 CSR 75-14.030	Peace Officer Standards and Training Program		28 MoReg 1043	28 MoReg 1583	
11 CSR 75-14.080	Peace Officer Standards and Training Program		28 MoReg 1044	28 MoReg 1583	

DEPARTMENT OF REVENUE

12 CSR 10-3.036	Director of Revenue	28 MoReg 1381R			
12 CSR 10-3.046	Director of Revenue	28 MoReg 1381R			
12 CSR 10-3.120	Director of Revenue	28 MoReg 1381R			
12 CSR 10-3.176	Director of Revenue	28 MoReg 1382R			
12 CSR 10-3.486	Director of Revenue	28 MoReg 1382R			
12 CSR 10-3.836	Director of Revenue	28 MoReg 1382R			
12 CSR 10-3.838	Director of Revenue	28 MoReg 1382R			
12 CSR 10-23.050	Director of Revenue <i>(Changed to 12 CSR 10-26.190)</i>	28 MoReg 1383			
12 CSR 10-23.190	Director of Revenue <i>(Changed to 12 CSR 10-26.180)</i>	28 MoReg 1110	This Issue		
12 CSR 10-23.300	Director of Revenue	28 MoReg 1383			
12 CSR 10-23.330	Director of Revenue	28 MoReg 1384			
12 CSR 10-23.370	Director of Revenue	28 MoReg 1384			
12 CSR 10-23.420	Director of Revenue	28 MoReg 1384			
12 CSR 10-23.436	Director of Revenue	28 MoReg 1385R			
12 CSR 10-23.444	Director of Revenue	28 MoReg 1385R			
12 CSR 10-23.446	Director of Revenue	28 MoReg 981	28 MoReg 1524		
12 CSR 10-23.456	Director of Revenue	28 MoReg 1189			
12 CSR 10-23.458	Director of Revenue	28 MoReg 1386			
12 CSR 10-24.090	Director of Revenue	28 MoReg 1661			

Rule Number	Agency	Emergency	Proposed	Order	In Addition
12 CSR 10-24.385	Director of Revenue		28 MoReg 1386		
12 CSR 10-24.390	Director of Revenue		28 MoReg 1386		
12 CSR 10-24.430	Director of Revenue		28 MoReg 1664		
12 CSR 10-26.120	Director of Revenue		28 MoReg 1664		
12 CSR 10-26.180	Director of Revenue <i>(Changed from 12 CSR 10-23.190)</i>		28 MoReg 1110		This Issue
12 CSR 10-26.190	Director of Revenue <i>(Changed from 12 CSR 10-23.050)</i>		28 MoReg 1383		
12 CSR 10-110.900	Director of Revenue		28 MoReg 881	28 MoReg 1584W	
12 CSR 10-111.010	Director of Revenue		28 MoReg 886	28 MoReg 1584W	

DEPARTMENT OF SOCIAL SERVICES

13 CSR 40-2.310	Division of Family Services	28 MoReg 1421	28 MoReg 1423		
13 CSR 40-2.380	Division of Family Services	28 MoReg 1421	28 MoReg 1423		
13 CSR 40-31.025	Division of Family Services		28 MoReg 34		
13 CSR 70-4.040	Division of Medical Services		28 MoReg 1044	28 MoReg 1721	
13 CSR 70-4.070	Division of Medical Services		28 MoReg 1511		
13 CSR 70-15.110	Division of Medical Services	28 MoReg 1023 This IssueT This Issue	28 MoReg 1044	28 MoReg 1722	
13 CSR 70-40.010	Division of Medical Services	28 MoReg 397T	28 MoReg 650	28 MoReg 1525	
13 CSR 70-98.010	Division of Medical Services		28 MoReg 1111		

ELECTED OFFICIALS

15 CSR 30-50.010	Secretary of State	28 MoReg 1616	28 MoReg 1664		
15 CSR 30-50.020	Secretary of State	28 MoReg 1617	28 MoReg 1665		
15 CSR 30-50.030	Secretary of State	28 MoReg 1617	28 MoReg 1666		
15 CSR 30-50.040	Secretary of State	28 MoReg 1618	28 MoReg 1667		
15 CSR 30-51.010	Secretary of State	28 MoReg 1619	28 MoReg 1668		
15 CSR 30-51.020	Secretary of State	28 MoReg 1620	28 MoReg 1668		
15 CSR 30-51.030	Secretary of State	28 MoReg 1620	28 MoReg 1669		
15 CSR 30-51.040	Secretary of State	28 MoReg 1620	28 MoReg 1669		
15 CSR 30-51.050	Secretary of State	28 MoReg 1620	28 MoReg 1670		
15 CSR 30-51.060	Secretary of State	28 MoReg 1622	28 MoReg 1670		
15 CSR 30-51.070	Secretary of State	28 MoReg 1623	28 MoReg 1671		
15 CSR 30-51.090	Secretary of State	28 MoReg 1623	28 MoReg 1671		
15 CSR 30-51.100	Secretary of State	28 MoReg 1623	28 MoReg 1672		
15 CSR 30-51.110	Secretary of State	28 MoReg 1624	28 MoReg 1672		
15 CSR 30-51.120	Secretary of State	28 MoReg 1624R 28 MoReg 1624	28 MoReg 1672R 28 MoReg 1672		
15 CSR 30-51.130	Secretary of State	28 MoReg 1625R 28 MoReg 1625	28 MoReg 1673R 28 MoReg 1673		
15 CSR 30-51.140	Secretary of State	28 MoReg 1625R 28 MoReg 1626	28 MoReg 1673R 28 MoReg 1674		
15 CSR 30-51.145	Secretary of State	28 MoReg 1627	28 MoReg 1675		
15 CSR 30-51.150	Secretary of State	28 MoReg 1628R	28 MoReg 1676R		
15 CSR 30-51.160	Secretary of State	28 MoReg 1628	28 MoReg 1676		
15 CSR 30-51.165	Secretary of State	28 MoReg 1630	28 MoReg 1678		
15 CSR 30-51.169	Secretary of State	28 MoReg 1630	28 MoReg 1678		
15 CSR 30-51.170	Secretary of State	28 MoReg 1632	28 MoReg 1679		
15 CSR 30-51.180	Secretary of State	28 MoReg 1632	28 MoReg 1680		
15 CSR 30-52.010	Secretary of State	28 MoReg 1633	28 MoReg 1681		
15 CSR 30-52.015	Secretary of State	28 MoReg 1633	28 MoReg 1681		
15 CSR 30-52.020	Secretary of State	28 MoReg 1634	28 MoReg 1682		
15 CSR 30-52.025	Secretary of State	28 MoReg 1634	28 MoReg 1682		
15 CSR 30-52.030	Secretary of State	28 MoReg 1635	28 MoReg 1683		
15 CSR 30-52.100	Secretary of State	28 MoReg 1636	28 MoReg 1683		
15 CSR 30-52.120	Secretary of State	28 MoReg 1636	28 MoReg 1684		
15 CSR 30-52.200	Secretary of State	28 MoReg 1637	28 MoReg 1684		
15 CSR 30-52.260	Secretary of State	28 MoReg 1637	28 MoReg 1684		
15 CSR 30-52.275	Secretary of State	28 MoReg 1638	28 MoReg 1685		
15 CSR 30-52.280	Secretary of State	28 MoReg 1638	28 MoReg 1685		
15 CSR 30-52.300	Secretary of State	28 MoReg 1638	28 MoReg 1686		
15 CSR 30-52.310	Secretary of State	28 MoReg 1639	28 MoReg 1686		
15 CSR 30-52.320	Secretary of State	28 MoReg 1639	28 MoReg 1686		
15 CSR 30-52.330	Secretary of State	28 MoReg 1639	28 MoReg 1687		
15 CSR 30-52.340	Secretary of State	28 MoReg 1640	28 MoReg 1687		
15 CSR 30-53.010	Secretary of State	28 MoReg 1641	28 MoReg 1688		
15 CSR 30-54.010	Secretary of State	28 MoReg 1641	28 MoReg 1688		
15 CSR 30-54.015	Secretary of State	28 MoReg 1642	28 MoReg 1689		
15 CSR 30-54.020	Secretary of State	28 MoReg 1643	28 MoReg 1689		
15 CSR 30-54.030	Secretary of State	28 MoReg 1643R	28 MoReg 1690R		
15 CSR 30-54.040	Secretary of State	28 MoReg 1643R	28 MoReg 1690R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
15 CSR 30-54.050	Secretary of State	28 MoReg 1644	28 MoReg 1690		
15 CSR 30-54.060	Secretary of State	28 MoReg 1644	28 MoReg 1691		
15 CSR 30-54.070	Secretary of State	28 MoReg 1644R	28 MoReg 1691R		
		28 MoReg 1645	28 MoReg 1692		
15 CSR 30-54.080	Secretary of State	28 MoReg 1645R	28 MoReg 1692R		
15 CSR 30-54.090	Secretary of State	28 MoReg 1646R	28 MoReg 1692R		
15 CSR 30-54.100	Secretary of State	28 MoReg 1646	28 MoReg 1693		
15 CSR 30-54.110	Secretary of State	28 MoReg 1646	28 MoReg 1693		
15 CSR 30-54.120	Secretary of State	28 MoReg 1647	28 MoReg 1693		
15 CSR 30-54.125	Secretary of State	28 MoReg 1647R	28 MoReg 1694R		
15 CSR 30-54.130	Secretary of State	28 MoReg 1647R	28 MoReg 1694R		
		28 MoReg 1648	28 MoReg 1694		
15 CSR 30-54.140	Secretary of State	28 MoReg 1648R	28 MoReg 1695R		
15 CSR 30-54.150	Secretary of State	28 MoReg 1648	28 MoReg 1695		
15 CSR 30-54.160	Secretary of State	28 MoReg 1649R	28 MoReg 1696R		
15 CSR 30-54.170	Secretary of State	28 MoReg 1649	28 MoReg 1696		
15 CSR 30-54.183	Secretary of State	28 MoReg 1650	28 MoReg 1696		
15 CSR 30-54.190	Secretary of State	28 MoReg 1650R	28 MoReg 1696R		
		28 MoReg 1650	28 MoReg 1697		
15 CSR 30-54.210	Secretary of State	28 MoReg 1651	28 MoReg 1698		
15 CSR 30-54.215	Secretary of State	28 MoReg 1652	28 MoReg 1698		
15 CSR 30-54.220	Secretary of State	28 MoReg 1652	28 MoReg 1699		
15 CSR 30-54.250	Secretary of State	28 MoReg 1654	28 MoReg 1700		
15 CSR 30-54.260	Secretary of State	28 MoReg 1655	28 MoReg 1701		
15 CSR 30-54.290	Secretary of State	28 MoReg 1655	28 MoReg 1702		
15 CSR 30-55.010	Secretary of State	28 MoReg 1656	28 MoReg 1702		
15 CSR 30-55.020	Secretary of State	28 MoReg 1656	28 MoReg 1702		
15 CSR 30-55.025	Secretary of State	28 MoReg 1657	28 MoReg 1703		
15 CSR 30-55.030	Secretary of State	28 MoReg 1657	28 MoReg 1703		
15 CSR 30-55.040	Secretary of State	28 MoReg 1657	28 MoReg 1703		
15 CSR 30-55.050	Secretary of State	28 MoReg 1658	28 MoReg 1703		
15 CSR 30-55.060	Secretary of State	28 MoReg 1658	28 MoReg 1704		
15 CSR 30-55.070	Secretary of State	28 MoReg 1658	28 MoReg 1704		
15 CSR 30-55.080	Secretary of State	28 MoReg 1658	28 MoReg 1704		
15 CSR 30-55.090	Secretary of State	28 MoReg 1659	28 MoReg 1704		
15 CSR 30-55.100	Secretary of State	28 MoReg 1659	28 MoReg 1705		
15 CSR 30-55.110	Secretary of State	28 MoReg 1659	28 MoReg 1705		
15 CSR 30-55.220	Secretary of State	28 MoReg 1660	28 MoReg 1705		
15 CSR 30-80.010	Secretary of State	28 MoReg 949	28 MoReg 982	28 MoReg 1525	

RETIREMENT SYSTEMS

16 CSR 10-4.005	The Public School Retirement System of Missouri	28 MoReg 1705
16 CSR 10-4.012	The Public School Retirement System of Missouri	28 MoReg 1706
16 CSR 10-4.014	The Public School Retirement System of Missouri	28 MoReg 1707
16 CSR 10-5.010	The Public School Retirement System of Missouri	28 MoReg 1709
16 CSR 10-6.010	The Public School Retirement System of Missouri	28 MoReg 1709
16 CSR 10-6.045	The Public School Retirement System of Missouri	28 MoReg 1709
16 CSR 10-6.060	The Public School Retirement System of Missouri	28 MoReg 1712
16 CSR 50-2.035	The County Employees' Retirement Fund	28 MoReg 1047 28 MoReg 1585
16 CSR 50-2.090	The County Employees' Retirement Fund	28 MoReg 1047 28 MoReg 1585
16 CSR 50-20.030	The County Employees' Retirement Fund	28 MoReg 1713
16 CSR 50-20.050	The County Employees' Retirement Fund	28 MoReg 1713

DEPARTMENT OF HEALTH AND SENIOR SERVICES

19 CSR 10-5.010	Office of the Director	This Issue
19 CSR 10-33.040	Office of the Director	28 MoReg 1247 28 MoReg 1287
19 CSR 15-4.060	Division of Senior Services	This Issue This Issue
19 CSR 30-82.015	Division of Health Standards and Licensure	This Issue This Issue
19 CSR 30-82.080	Division of Health Standards and Licensure	This Issue This Issue
19 CSR 30-83.010	Division of Health Standards and Licensure	This Issue This Issue
19 CSR 30-85.042	Division of Health Standards and Licensure	This Issue This Issue
19 CSR 30-86.042	Division of Health Standards and Licensure	This Issue This Issue
19 CSR 60-50	Missouri Health Facilities Review Committee	This Issue
19 CSR 60-50.300	Missouri Health Facilities Review Committee	28 MoReg 106R 28 MoReg 157R 28 MoReg 1139W This Issue 28 MoReg 106 28 MoReg 157 28 MoReg 1139W
28 MoReg 1189		
19 CSR 60-50.400	Missouri Health Facilities Review Committee	28 MoReg 108R 28 MoReg 159R 28 MoReg 1140W This Issue 28 MoReg 109 28 MoReg 159 28 MoReg 1140W
28 MoReg 1192		
19 CSR 60-50.410	Missouri Health Facilities Review Committee	28 MoReg 110R 28 MoReg 160R 28 MoReg 1140W This Issue 28 MoReg 110 28 MoReg 160 28 MoReg 1140W
28 MoReg 1194		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 60-50.420	Missouri Health Facilities Review Committee	28 MoReg 111R 28 MoReg 112	28 MoReg 161R 28 MoReg 161 28 MoReg 1196	28 MoReg 1140W 28 MoReg 1140W	This Issue
19 CSR 60-50.430	Missouri Health Facilities Review Committee	28 MoReg 113R 28 MoReg 113	28 MoReg 162R 28 MoReg 163 28 MoReg 1199	28 MoReg 1141W 28 MoReg 1141W	This Issue
19 CSR 60-50.450	Missouri Health Facilities Review Committee	28 MoReg 115R 28 MoReg 116	28 MoReg 164R 28 MoReg 164 28 MoReg 1202	28 MoReg 1141W 28 MoReg 1141W	This Issue
19 CSR 60-50.700	Missouri Health Facilities Review Committee	28 MoReg 117R 28 MoReg 117	28 MoReg 166R 28 MoReg 166 28 MoReg 1205	28 MoReg 1142W 28 MoReg 1142W	This Issue

DEPARTMENT OF INSURANCE

20 CSR	Medical Malpractice	26 MoReg 599 27 MoReg 415 28 MoReg 489
20 CSR	Sovereign Immunity Limits	26 MoReg 75 27 MoReg 41 27 MoReg 2319
20 CSR 200-1.025	Financial Examination	28 MoReg 1713
20 CSR 200-1.030	Financial Examination	28 MoReg 1714
20 CSR 200-10.100	Financial Examination	28 MoReg 1714
20 CSR 400-4.100	Life, Annuities and Health	28 MoReg 777R 28 MoReg 778
20 CSR 400-7.200	Life, Annuities and Health	28 MoReg 1715
20 CSR 700-3.200	Licensing	28 MoReg 1716

Emergency Rules in Effect as of October 15, 2003**Publication****Expires****Office of Administration****Commissioner of Administration**

1 CSR 10-18.010 Retirement Policy 28 MoReg 1615 March 9, 2004

Department of Agriculture**Plant Industries**

2 CSR 70-13.030 Program Participation, Fee Payment and Penalties 28 MoReg 1553 February 16, 2004

Department of Economic Development**Public Service Commission**

4 CSR 240-32.180 Definitions—Caller Identification Blocking Service Next Issue April 2, 2004

4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service Next Issue April 2, 2004

Office of Tattooing, Body Piercing and Branding

4 CSR 267-4.020 Temporary Practitioner License 28 MoReg 947 October 24, 2003

Department of Elementary and Secondary Education**Missouri Commission for the Deaf and the Hard of Hearing**

5 CSR 100-200.045 Provisional Restricted Certification in Education 28 MoReg 1554 February 14, 2004

Department of Transportation**Missouri Highways and Transportation Commission**

7 CSR 10-3.040 Division of Relocation Costs 28 MoReg 1173 February 26, 2004

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers 28 MoReg 1173 February 26, 2004

Department of Labor and Industrial Relations**Division of Employment Security**

8 CSR 10-3.130 Direct Deposit of Unemployment Benefits 28 MoReg 948 October 27, 2003

Department of Natural Resources**Soil and Water Districts Commission**

10 CSR 70-5.040 Cost-Share Rates and Reimbursement Procedures 28 MoReg 1369 January 14, 2004

Department of Public Safety**Adjutant General**

11 CSR 10-5.010 Missouri Veterans' Recognition Program 28 MoReg 1475 February 17, 2004

Department of Social Services**Division of Family Services**

13 CSR 40-2.310 Requirements as to Eligibility for Temporary Assistance 28 MoReg 1421 January 27, 2004

13 CSR 40-2.380 Grandparents as Foster Parents 28 MoReg 1421 January 27, 2004

13 CSR 40-19.020 Low Income Home Energy Assistance Program Next Issue March 29, 2004

Division of Medical Services

13 CSR 70-10.015 Prospective Reimbursement Plan for Nursing Facility Services Next Issue March 29, 2004

13 CSR 70-10.080 Prospective Reimbursement Plan for HIV Nursing Facility Services Next Issue March 29, 2004

13 CSR 70-10.110 Nursing Facility Reimbursement Allowance Next Issue March 29, 2004

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) This Issue March 16, 2004

Elected Officials**Secretary of State**

15 CSR 30-50.010 Definitions 28 MoReg 1616 March 9, 2004

15 CSR 30-50.020 General Instructions 28 MoReg 1617 March 9, 2004

15 CSR 30-50.030 Fees 28 MoReg 1617 March 9, 2004

15 CSR 30-50.040 Forms 28 MoReg 1618 March 9, 2004

15 CSR 30-51.010 General Instructions 28 MoReg 1619 March 9, 2004

15 CSR 30-51.020 Applications for Registration or Notice Filings 28 MoReg 1620 March 9, 2004

15 CSR 30-51.030 Examination Requirement 28 MoReg 1620 March 9, 2004

15 CSR 30-51.040 Financial Statements 28 MoReg 1621 March 9, 2004

Emergency Rules in Effect as of October 15, 2003

Publication

Expires

15 CSR 30-51.050	Net Capital Requirements for Broker-Dealers	28 MoReg 1621	March 9, 2004
15 CSR 30-51.060	Broker-Dealer Notice of Net Capital Deficiency	28 MoReg 1622	March 9, 2004
15 CSR 30-51.070	Minimum Net Worth Requirements for Investment Advisers	28 MoReg 1623	March 9, 2004
15 CSR 30-51.090	Segregation of Accounts by Broker-Dealers	28 MoReg 1623	March 9, 2004
15 CSR 30-51.100	Custody of Securities or Funds by Investment Advisers	28 MoReg 1623	March 9, 2004
15 CSR 30-51.110	Confirmations	28 MoReg 1624	March 9, 2004
15 CSR 30-51.120	Records Required of Broker-Dealers	28 MoReg 1624	March 9, 2004
15 CSR 30-51.120	Records Required of Broker-Dealers	28 MoReg 1624	March 9, 2004
15 CSR 30-51.130	Records to be Preserved by Broker-Dealers	28 MoReg 1625	March 9, 2004
15 CSR 30-51.130	Records to be Preserved by Broker-Dealers	28 MoReg 1625	March 9, 2004
15 CSR 30-51.140	Records Required of Investment Advisers	28 MoReg 1625	March 9, 2004
15 CSR 30-51.140	Records Required of and to be Preserved by Investment Advisers	28 MoReg 1626	March 9, 2004
15 CSR 30-51.145	Compensation Arrangements Involving Investment Advisers	28 MoReg 1627	March 9, 2004
15 CSR 30-51.150	Records to be Preserved by Investment Advisers	28 MoReg 1628	March 9, 2004
15 CSR 30-51.160	Effectiveness and Post-Effective Requirements	28 MoReg 1628	March 16, 2004
15 CSR 30-51.165	Networking Arrangements between Broker-Dealers and Banks, Trust Companies or Savings Institutions	28 MoReg 1630	March 9, 2004
15 CSR 30-51.169	Fraudulent Practices of Broker-Dealers and Agents	28 MoReg 1630	March 9, 2004
15 CSR 30-51.170	Denial, Revocation and Suspension of Registration	28 MoReg 1632	March 9, 2004
15 CSR 30-51.180	Exemptions from Registration for Broker-Dealers, Agents, Investment Advisers, and Investment Adviser Representatives	28 MoReg 1632	March 9, 2004
15 CSR 30-52.010	General Provisions	28 MoReg 1633	March 9, 2004
15 CSR 30-52.015	Applications for Registration	28 MoReg 1633	March 9, 2004
15 CSR 30-52.020	Prospectus	28 MoReg 1634	March 9, 2004
15 CSR 30-52.025	Financial Statements	28 MoReg 1634	March 9, 2004
15 CSR 30-52.030	NASAA Statements of Policy	28 MoReg 1635	March 9, 2004
15 CSR 30-52.100	Impoundment of Proceeds	28 MoReg 1636	March 9, 2004
15 CSR 30-52.120	Debt Securities	28 MoReg 1636	March 9, 2004
15 CSR 30-52.200	Offer of Refund Prior to Registration	28 MoReg 1637	March 9, 2004
15 CSR 30-52.260	Suggested Form of Offer of Refund (Rescission)	28 MoReg 1637	March 9, 2004
15 CSR 30-52.275	Small Company Offering Registrations (formerly Missouri Issuer Registration)	28 MoReg 1638	March 9, 2004
15 CSR 30-52.280	Withdrawal of a Registration Statement	28 MoReg 1638	March 9, 2004
15 CSR 30-52.300	Post-Effective Amendments and Notices to a Registration Statement	28 MoReg 1638	March 9, 2004
15 CSR 30-52.310	Report of Completion of a Registration Statement	28 MoReg 1639	March 9, 2004
15 CSR 30-52.320	Annual Report for the Renewal of a Registration Statement	28 MoReg 1639	March 9, 2004
15 CSR 30-52.330	Records to be Preserved by Issuers	28 MoReg 1639	March 9, 2004
15 CSR 30-52.340	Mortgage Revenue Bonds	28 MoReg 1640	March 9, 2004
15 CSR 30-53.010	Promotional Materials to be Filed, Permitted Without Filing and Prohibited	28 MoReg 1641	March 9, 2004
15 CSR 30-54.010	General	28 MoReg 1641	March 9, 2004
15 CSR 30-54.015	Notice Filings for Investment Companies	28 MoReg 1642	March 9, 2004
15 CSR 30-54.020	Government Issued or Guaranteed Securities	28 MoReg 1643	March 9, 2004
15 CSR 30-54.030	Bank, Savings Institution or Trust Company Securities	28 MoReg 1643	March 9, 2004
15 CSR 30-54.040	Federal Savings and Loan Association or State Building and Loan or Similar Association Securities	28 MoReg 1643	March 9, 2004
15 CSR 30-54.050	Railroad, Other Common Carrier, Public Utility and Holding Company Securities	28 MoReg 1644	March 9, 2004
15 CSR 30-54.060	Stock Exchange Listed Securities	28 MoReg 1644	March 9, 2004
15 CSR 30-54.070	NASAA Statements of Policy (Exemptions)	28 MoReg 1644	March 9, 2004
15 CSR 30-54.070	Not-for-Profit Securities	28 MoReg 1645	March 9, 2004
15 CSR 30-54.080	Commercial Paper Securities	28 MoReg 1645	March 9, 2004
15 CSR 30-54.090	Employees' Benefit Plan Securities	28 MoReg 1646	March 9, 2004
15 CSR 30-54.100	Manual Exemption	28 MoReg 1646	March 9, 2004
15 CSR 30-54.110	Unsolicited Order to Buy Exemption	28 MoReg 1646	March 9, 2004
15 CSR 30-54.120	Mortgage-Note Exemption	28 MoReg 1647	March 9, 2004
15 CSR 30-54.125	Institutional Buyer Exemption	28 MoReg 1647	March 9, 2004
15 CSR 30-54.130	First Twenty-Five Persons Exemption	28 MoReg 1647	March 9, 2004
15 CSR 30-54.130	Limited Offering Exemption	28 MoReg 1648	March 9, 2004
15 CSR 30-54.140	Fifteen Transactions in Twelve Months Exemption	28 MoReg 1648	March 9, 2004
15 CSR 30-54.150	Suggested Form of Investment Letter	28 MoReg 1648	March 9, 2004
15 CSR 30-54.160	Offers to Existing Security Holders Exemption	28 MoReg 1649	March 9, 2004
15 CSR 30-54.170	Preeffective Offer Exemption	28 MoReg 1649	March 9, 2004

Emergency Rules in Effect as of October 15, 2003	Publication	Expires
15 CSR 30-54.183 Exemption for Reporting Company Securities	28 MoReg 1650	March 9, 2004
15 CSR 30-54.190 Agricultural Cooperative Association Securities	28 MoReg 1650	March 9, 2004
15 CSR 30-54.190 New Generation Processing Entity	28 MoReg 1650	March 9, 2004
15 CSR 30-54.210 Notice Filings for Transactions under Regulation D, Rules 505 and 506. 28 MoReg 1651	28 MoReg 1651	March 9, 2004
15 CSR 30-54.215 Accredited Investor Exemption	28 MoReg 1652	March 9, 2004
15 CSR 30-54.220 Transaction Exemption for Securities Listed on Certain Quotation Systems	28 MoReg 1652	March 9, 2004
15 CSR 30-54.250 Missouri Qualified Fund Exemption	28 MoReg 1654	March 9, 2004
15 CSR 30-54.260 Foreign Issuer Exemption	28 MoReg 1655	March 9, 2004
15 CSR 30-54.290 Canadian-United States Cross-Border Trading Exemption	28 MoReg 1655	March 9, 2004
15 CSR 30-55.010 Who May Request	28 MoReg 1656	March 9, 2004
15 CSR 30-55.020 Instituting Hearing Before the Commissioner	28 MoReg 1656	March 9, 2004
15 CSR 30-55.025 General Prehearing Procedures	28 MoReg 1657	March 9, 2004
15 CSR 30-55.030 Answers and Supplementary Pleadings	28 MoReg 1657	March 9, 2004
15 CSR 30-55.040 Notice of Hearing	28 MoReg 1657	March 9, 2004
15 CSR 30-55.050 Prehearing Conferences	28 MoReg 1658	March 9, 2004
15 CSR 30-55.060 Public Hearing	28 MoReg 1658	March 9, 2004
15 CSR 30-55.070 Record of Hearing Before the Commissioner	28 MoReg 1658	March 9, 2004
15 CSR 30-55.080 Discovery	28 MoReg 1658	March 9, 2004
15 CSR 30-55.090 Procedure at Hearing	28 MoReg 1659	March 9, 2004
15 CSR 30-55.100 Subpoenas	28 MoReg 1659	March 9, 2004
15 CSR 30-55.110 Motions, Suggestions and Legal Briefs	28 MoReg 1659	March 9, 2004
15 CSR 30-55.220 Hearing Officers	28 MoReg 1660	March 9, 2004
15 CSR 30-80.010 Redaction of the Social Security Numbers and Date of Birth from Business Entity Filings	28 MoReg 949	November 6, 2003

Department of Health and Senior Services

Office of the Director

19 CSR 10-33.040 Electronic Reporting of Patient Abstract Data by Hospitals for Public Syndromic Surveillance	28 MoReg 1247	January 2, 2004
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Division of Senior Services

19 CSR 15-4.060 State Long-Term Care Ombudsman Program	This Issue	March 19, 2004
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Division of Health Standards and Licensure

19 CSR 30-82.015 Long-Term Care Receiverships	This Issue	March 19, 2004
--	----------------------	----------------

19 CSR 30-82.080 Nursing Facility Quality of Care Improvement Program	This Issue	March 19, 2004
--	----------------------	----------------

19 CSR 30-83.010 Definitions of Terms	This Issue	March 19, 2004
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19 CSR 30-85.042 Administration and Resident Care Requirements for New and Existing Intermediate Care and Skilled Nursing Facilities	This Issue	March 19, 2004
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19 CSR 30-86.042 Administrative, Personnel and Resident Care Requirements for New and Existing Residential Care Facilities I and II	This Issue	March 19, 2004
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Executive Orders

	Subject Matter	Filed Date	Publication
03-01	Reestablishes the Missouri Lewis and Clark Bicentennial Commission	February 3, 2003	28 MoReg 296
03-02	Establishes the Division of Family Support in the Dept. of Social Services	February 5, 2003	28 MoReg 298
03-03	Establishes the Children's Division in the Dept. of Social Services	February 5, 2003	28 MoReg 300
03-04	Transfers all TANF functions to the Division of Workforce Development in the Dept. of Economic Development	February 5, 2003	28 MoReg 302
03-05	Transfers the Division of Highway Safety to the Dept. of Transportation	February 5, 2003	28 MoReg 304
03-06	Transfers the Minority Business Advocacy Commission to the Office of Administration	February 5, 2003	28 MoReg 306
03-07	Creates the Commission on the Future of Higher Education	March 17, 2003	28 MoReg 631
03-08	Lists Governor's Staff Who Have Supervisory Authority Over Departments	September 4, 2003	28 MoReg 1556
03-09	Lists Governor's Staff Who Have Supervisory Authority Over Departments	March 18, 2003	28 MoReg 633
03-10	Creates the Missouri Energy Policy Council	March 13, 2003	28 MoReg 634
03-11	Creates the Citizens Advisory Committee on Corrections	April 1, 2003	28 MoReg 705
03-12	Declares Disaster Areas due to May 4 Tornadoes	May 5, 2003	28 MoReg 950
03-13	Calls National Guard to Assist in Areas Harmed by the May 4 Tornadoes	May 5, 2003	28 MoReg 952
03-14	Temporarily Suspends Enforcement of Environmental Rules due to the May 4th [et.al] Tornadoes	May 7, 2003	28 MoReg 954
03-15	Establishes the Missouri Small Business Regulatory Fairness Board	August 25, 2003	28 MoReg 1477
03-16	Establishes the Missouri Commission on Patient Safety	October 1, 2003	This Issue

The rule number and the MoReg publication date follow each entry to this index.

ADJUTANT GENERAL

veteran's recognition program; 11 CSR 10-5.010; 9/2/03

ADMINISTRATION, OFFICE OF

retirement policy; 1 CSR 10-18.010; 9/2/03, 10/1/03

ADMINISTRATIVE HEARING COMMISSION

complaints; 1 CSR 15-3.350; 7/15/03, 10/15/03

stays or suspensions; 1 CSR 15-3.320; 7/15/03, 10/15/03

AIR QUALITY, POLLUTION

conformity to state implementation plans; 10 CSR 10-2.390; 10 CSR 10-5.480; 3/17/03, 8/15/03

construction permits; 10 CSR 10-6.060; 4/15/03, 9/15/03 by rule; 10 CSR 10-6.062; 4/15/03, 9/15/03

exemptions; 10 CSR 10-6.061; 4/15/03, 9/15/03

control of petroleum liquid storage, loading, transfer; 10 CSR 10-2.260; 9/15/03

definitions; 10 CSR 10-6.020; 4/15/03, 9/15/03

emissions

alternate limits; 10 CSR 10-6.100; 12/16/02, 6/16/03

hazardous air pollutants; 10 CSR 10-6.080; 3/17/03, 9/2/03 limitations, oxides of nitrogen; 10 CSR 10-6.350; 1/16/03, 7/15/03

lithographic installations; 10 CSR 10-2.340; 2/18/03, 7/15/03 restrictions

odors; 10 CSR 10-2.070, 10 CSR 10-3.090, 10 CSR 10-4.070, 10 CSR 10-5.160; 3/17/03, 8/15/03

submission of data; 10 CSR 10-6.110; 6/16/03

maximum achievable control technology; 10 CSR 10-6.075; 3/17/03, 9/2/03

new source performance operations; 10 CSR 10-6.070; 3/17/03, 9/2/03

operating permits; 10 CSR 10-6.065; 4/15/03, 9/15/03

start-up, shutdown, malfunction conditions; 10 CSR 10-6.050; 9/15/03

AMBULANCES

application and licensure; 19 CSR 30-40.309; 5/1/03, 8/15/03

AMUSEMENT RIDES

accident, report; 11 CSR 40-6.045; 5/15/03, 9/2/03

cessation order; 11 CSR 40-6.050; 5/15/03, 9/2/03

cost, investigation; 11 CSR 40-6.055; 5/15/03, 9/2/03

director; 11 CSR 40-6.060; 5/15/03, 9/2/03

inspection; 11 CSR 40-6.010; 5/15/03, 9/2/03

insurance, liability; 11 CSR 40-6.040; 5/15/03, 9/2/03

operator; 11 CSR 40-6.080; 5/15/03, 9/2/03

owner; 11 CSR 40-6.075; 5/15/03, 9/2/03

passenger/rider responsibility; 11 CSR 40-6.085; 5/15/03, 9/2/03

purpose; 11 CSR 40-6.031; 5/15/03, 9/2/03

terms, defined; 11 CSR 40-6.020; 5/15/03, 9/2/03

ANIMAL FACILITIES

loan guarantee program; 2 CSR 100-6.010; 10/15/03

ANIMAL HEALTH

admission; 2 CSR 30-2.010; 4/15/03, 6/16/03, 8/15/03

animal care facilities; 2 CSR 30-9.020; 6/16/03

standards; 2 CSR 30-9.030; 6/16/03

duties, facilities of the market/sale veterinarian; 2 CSR 30-6.020; 3/3/03, 6/16/03

elk, captive, entering Missouri; 2 CSR 30-2.012; 9/3/02 exhibition; 2 CSR 30-2.040; 3/3/03, 4/15/03, 6/16/03

movement of livestock; 2 CSR 30-2.020; 3/3/03, 4/15/03, 6/16/03, 8/15/03

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, LANDSCAPE ARCHITECTS

architects

evaluation; 4 CSR 30-4.060; 10/15/03 seals; 4 CSR 30-3.020; 9/2/03

engineers

seals; 4 CSR 30-3.030; 9/2/03 fees; 4 CSR 30-6.015; 10/15/03 reexamination; 4 CSR 30-6.020; 10/15/03

landscape architect

admission to exam; 4 CSR 30-5.150; 10/15/03 CLARB examination; 4 CSR 30-5.140; 10/15/03 evaluation; 4 CSR 30-4.090; 10/15/03 seals; 4 CSR 30-3.050; 9/2/03

land surveyors

seals; 4 CSR 30-3.040; 9/2/03

seal, license; 4 CSR 30-3.060; 9/2/03

surveys, standards for property boundary accuracy standards for property boundaries; 4 CSR 30-16.040; 5/1/03, 9/2/03

condominium surveys; 4 CSR 30-16.100; 5/1/03, 9/2/03

definitions; 4 CSR 30-16.020; 5/1/03, 9/2/03 land surveying requirements; 4 CSR 30-16.030; 5/1/03, 9/2/03

monumentation, approved; 4 CSR 30-16.060; 5/1/03, 9/2/03

original surveys; 4 CSR 30-16.080; 5/1/03, 9/2/03

resurveys; 4 CSR 30-16.070; 5/1/03, 9/2/03

subdivision surveys; 4 CSR 30-16.090; 5/1/03, 9/2/03

ASSISTIVE DEVICES

accommodations for the disabled; 15 CSR 60-11.100; 2/18/03, 7/15/03

appointment of arbitration firm; 15 CSR 60-11.010; 2/18/03, 7/15/03

assignment of arbitrator; 15 CSR 60-11.050; 2/18/03, 7/15/03

cost of arbitration; 15 CSR 60-11.040; 2/18/03, 7/15/03

decision, arbitrator's; 15 CSR 60-11.140; 2/18/03, 7/15/03

defaults; 15 CSR 60-11.120; 2/18/03, 7/15/03

filing for arbitration; 15 CSR 60-11.030; 2/18/03, 7/15/03

hearing on documents only; 15 CSR 60-11.110; 2/18/03, 7/15/03

hearing procedure; 15 CSR 60-11.090; 2/18/03, 7/15/03

notice to consumers; 15 CSR 60-11.020; 2/18/03, 7/15/03

record keeping; 15 CSR 60-11.150; 2/18/03, 7/15/03

representation by counsel or third party; 15 CSR 60-11.080; 2/18/03, 7/15/03

request for additional information; 15 CSR 60-11.070; 2/18/03, 7/15/03

sample form; 15 CSR 60-11.160; 2/18/03, 7/15/03

scheduling of arbitration hearings; 15 CSR 60-11.060; 2/18/03, 7/15/03

withdrawal or settlement prior to decision; 15 CSR 60-11.130; 2/18/03, 7/15/03

BARBER EXAMINERS, STATE BOARD OF

reinstatement of expired license; 4 CSR 60-1.040; 9/2/03

sanitation rules; 4 CSR 60-4.015; 9/2/03

BINGO

duty to report, licensee; 11 CSR 45-30.550; 6/16/03

paraphernalia, approval; 11 CSR 45-30.540; 6/16/03

BOILER AND PRESSURE VESSEL SAFETY

administration; 11 CSR 40-2.020; 11/1/02, 4/1/03, 7/1/03
definitions; 11 CSR 40-2.010; 7/1/03
existing; 11 CSR 40-2.040; 7/1/03
 installation; 11 CSR 40-2.030; 7/1/03
 pressure vessels; 11 CSR 40-2.050; 7/1/03
heating boilers, existing; 11 CSR 40-2.040; 7/1/03
power boilers, installation; 11 CSR 40-2.030; 7/1/03
pressure vessels; 11 CSR 40-2.050; 7/1/03
requirements, general; 11 CSR 40-2.060; 7/1/03

BOLL WEEVIL ERADICATION

program participation, fee, penalties; 2 CSR 70-13.030; 9/15/03

CERTIFICATE OF NEED PROGRAM

application
 package; 19 CSR 60-50.430; 1/16/03, 6/16/03, 7/1/03,
 10/15/03
 process; 19 CSR 60-50.420; 1/16/03, 6/16/03, 7/1/03
criteria and standards
 long-term care; 19 CSR 60-50.450; 1/16/03, 6/16/03, 7/1/03
 post-decision activity; 19 CSR 60-50.700; 1/16/03, 6/16/03,
 7/1/03, 10/15/03
definitions; 19 CSR 60-50.300; 1/16/03, 6/16/03, 7/1/03
letter of intent
 package; 19 CSR 60-50.410; 1/16/03, 6/16/03, 7/1/03,
 10/15/03
 process; 19 CSR 60-50.400; 1/16/03, 6/16/03, 7/1/03
review process; 19 CSR 60-50.420; 1/16/03, 6/16/03, 7/1/03

CHILD ABUSE

review process; 13 CSR 40-31.025; 1/2/03

CHIROPRACTIC EXAMINERS, BOARD OF

adjunctive procedures; 4 CSR 70-2.030; 9/2/03
application for licensure; 4 CSR 70-2.040; 9/2/03
colleges, board approved; 4 CSR 70-2.045; 9/2/03
complaint handling and disposition; 4 CSR 70-2.065; 9/2/03
corporations, professional; 4 CSR 70-2.100; 9/2/03
diagnostic procedures, instruments; 4 CSR 70-2.020; 9/2/03
examinations; 4 CSR 70-2.050; 9/2/03
fees; 4 CSR 70-2.090; 9/2/03
license renewal, biennial; 4 CSR 70-2.080; 9/2/03
organization; 4 CSR 70-1.010; 9/2/03
postgraduate education; 4 CSR 70-2.081; 9/2/03
preceptorship; 4 CSR 70-3.010; 9/2/03
professional conduct rules; 4 CSR 70-2.060; 9/2/03
reciprocity; 4 CSR 70-2.070; 9/2/03

CLEAN WATER COMMISSION

permit, construction and operating; 10 CSR 20-6.010; 6/16/03

CONSERVATION COMMISSION

boats and motors; 3 CSR 10-11.160; 6/16/03, 9/2/03
 use of; 3 CSR 10-12.110; 6/16/03, 9/2/03
deer; 3 CSR 10-7.435; 7/15/03
 hunting; 3 CSR 10-11.182; 6/16/03, 7/15/03, 9/2/03, 10/1/03
definitions; 3 CSR 10-20.805; 7/15/03, 10/1/03
endangered species; 3 CSR 10-4.111; 6/16/03, 9/2/03
falconry; 3 CSR 10-9.442; 10/15/03
fishing
 daily and possession limits; 3 CSR 10-12.140; 6/16/03,
 9/2/03, 10/1/03
 hours and methods; 3 CSR 10-11.205; 6/16/03, 9/2/03
 methods; 3 CSR 10-12.135; 6/16/03, 9/2/03, 10/1/03
 provisions, general; 3 CSR 10-6.405; 5/1/03, 7/15/03
 reciprocal privileges; 3 CSR 10-10.726; 5/1/03, 7/15/03
 tag and release fishing; 3 CSR 10-10.732; 5/1/03, 7/15/03
furbearers, trapping seasons; 3 CSR 10-8.515; 9/2/03
hunting

methods; 3 CSR 10-7.410; 6/16/03, 9/2/03
provisions, seasons; 3 CSR 10-11.180; 6/16/03, 9/2/03
migratory game birds; 3 CSR 10-10.745; 6/16/03
 seasons and limits; 3 CSR 10-7.440; 8/15/03, 10/15/03
organization; 3 CSR 10-1.010; 9/2/03
permit

nonresident firearms

 first bonus; 3 CSR 10-5.552; 7/15/03, 10/1/03
 landowner, first bonus; 3 CSR 10-5.577; 7/15/03,
 10/1/03
 landowner, second bonus; 3 CSR 10-5.578; 7/15/03,
 10/1/03
 second bonus; 3 CSR 10-5.553; 7/15/03, 10/1/03
resident firearms first bonus; 3 CSR 10-5.352; 7/15/03,
 10/1/03
prohibitions, general; 3 CSR 10-9.110; 6/16/03, 9/2/03
turkeys; 3 CSR 10-7.455; 6/16/03, 9/2/03
waterfowl hunting; 3 CSR 10-11.186; 6/16/03, 9/2/03

CONTROLLED SUBSTANCES

definitions; 19 CSR 30-1.011; 3/3/03, 6/16/03
dispensing and distribution; 19 CSR 30-1.040; 3/3/03, 6/16/03
registration
 changes; 19 CSR 30-1.023; 3/3/03, 6/16/03
 fees; 19 CSR 30-1.015; 3/3/03, 6/16/03
 location; 19 CSR 30-1.019; 3/3/03, 6/16/03
 process; 19 CSR 30-1.017; 3/3/03, 6/16/03
schedules of controlled substances; 19 CSR 30-1.002; 3/3/03,
 6/16/03
security for practitioners; 19 CSR 30-1.034; 3/3/03, 6/16/03

CREDIT UNIONS, DIVISION OF

fiscal and financial services; 4 CSR 100-2.080; 7/15/03

DEAF AND HARD OF HEARING, MISSOURI COMMISSION FOR THE

provisional restricted certification; 5 CSR 100-200.045; 9/15/03

DIETITIANS, STATE COMMITTEE OF

fees; 4 CSR 115-1.040; 7/15/03

DISEASES

blood-borne pathogen standard; 19 CSR 20-20.092; 4/15/03,
 8/1/03
duties of laboratories; 19 CSR 20-20.080; 4/15/03, 8/1/03
testing, contagious or infectious diseases; 19 CSR 20-20.091;
 4/15/03, 8/1/03

DRIVERS LICENSE BUREAU RULES

commercial driver instruction permit; 12 CSR 10-24.390; 8/1/03
complaints; 12 CSR 10-26.120; 10/1/03
driver license; 12 CSR 10-24.430; 10/1/03
reissuance of license; 12 CSR 10-24.140; 3/3/03, 8/1/03
school bus permits; 12 CSR 10-24.385; 8/1/03
vision test guidelines; 12 CSR 10-24.090; 10/1/03

ELEMENTARY AND SECONDARY EDUCATION

A+ schools program; 5 CSR 50-350.040; 4/1/03, 8/1/03
academically deficient schools; 5 CSR 50-340.110; 6/2/03, 10/1/03
application, certificate to teach; 5 CSR 80-800.200; 10/15/03
 administrators; 5 CSR 80-800.220; 10/15/03
 adult education, literacy; 5 CSR 80-800.280; 10/15/03
 classifications; 5 CSR 80-800.360; 10/15/03
 content areas; 5 CSR 80-800.350; 10/15/03
 discipline and denial; 5 CSR 80-800.300; 10/15/03
 student services;; 5 CSR 80-800.230; 10/15/03
 substitute; 5 CSR 80-800.290; 10/15/03
 temporary authorization; 5 CSR 80-800.260; 10/15/03
assessments, required; 5 CSR 80-800.380; 10/15/03
background clearance; 5 CSR 80-800.400; 10/15/03

federal programs; 5 CSR 30-4.010; 2/18/03, 7/1/03
 fees; 5 CSR 80-800.370; 10/15/03
 Improving America's Schools Act; 5 CSR 50-350.015; 6/2/03,
 10/1/03
 incentives, school excellence program; 5 CSR 50-310.010; 6/2/03,
 10/1/03
 information reported by school districts; 5 CSR 50-340.200;
 6/2/03, 10/1/03
 new schools pilot project; 5 CSR 50-370.010; 6/2/03, 10/1/03
 persistently dangerous schools; 5 CSR 50-355.100; 2/18/03, 7/1/03
 personal care assistance program
 definitions; 5 CSR 90-7.010; 10/15/03
 eligibility; 5 CSR 90-7.100; 10/15/03
 hearings; 5 CSR 90-7.320; 10/15/03
 providers; 5 CSR 90-7.200; 10/15/03
 pupil/teacher ratio; 5 CSR 50-360.010; 6/2/03, 10/1/03
 reimbursement, panel members; 5 CSR 70-742.160; 6/2/03,
 10/1/03
 school buses, operation; 5 CSR 30-261.010; 7/1/03
 standards for approval of courses; 5 CSR 60-900.050; 6/16/03
 vocational education; 5 CSR 60-120.020; 7/1/03
 vocational rehabilitation
 due process hearing; 5 CSR 90-4.420; 5/1/03, 9/15/03
 fees; 5 CSR 90-5.410; 5/1/03, 9/15/03
 home modification, remodeling; 5 CSR 90-5.450; 9/16/02
 informal review; 5 CSR 90-4.410; 5/1/03, 9/15/03
 maintenance, transportation; 5 CSR 90-5.420; 9/16/02,
 5/1/03, 9/15/03
 mediation; 5 CSR 90-4.430; 9/16/02
 state plan; 5 CSR 60-120.010; 9/16/02
 training; 5 CSR 90-5.440; 5/1/03, 9/15/03

ELEVATORS

fees, penalties; 11 CSR 40-5.110; 10/15/02, 4/1/03, 7/1/03

EXECUTIVE ORDERS

Children's Division; 03-03; 2/18/03
 Citizen's Advisory Committee on Corrections; 03-11; 5/15/03
 disaster areas due to May 4 tornadoes; 03-12; 5/15/03
 Energy Policy Council; 03-10; 4/1/03
 Family Support, Division of; 03-02; 2/18/03
 Future of Higher Education, Commission on the; 03-07; 4/1/03
 Highway Safety, Division of; 03-05; 2/18/03
 Lewis and Clark; 03-01; 2/18/03
 Minority Business Advocacy Commission; 03-06; 2/18/03
 National Guard to assist areas; 03-13; 5/15/03
 patient safety, commission on; 03-16; 10/15/03
 small business regulatory fairness board; 03-15; 10/1/03
 suspends environmental rules; 03-14; 5/15/03
 supervisory authority; 03-09; 4/1/03
 supervisory authority; 03-08; 9/15/03
 Workforce Development, Division of; 03-04; 2/18/03

FAMILY SERVICES, DIVISION OF

grandparents as foster parents; 13 CSR 40-2.380; 8/15/03
 temporary assistance, aliens; 13 CSR 40-2.310; 8/15/03

FINANCE, DIVISION OF

key man insurance; 4 CSR 140-2.055; 2/18/03, 7/1/03
 loan companies, small
 licensing; 4 CSR 140-11.010; 2/18/03, 7/1/03
 record keeping; 4 CSR 140-11.020; 2/18/03, 7/1/03
 preservation of records; 4 CSR 140-2.140; 2/18/03, 7/1/03
 section 500 companies
 licensing; 4 CSR 140-11.030; 2/18/03, 7/1/03
 record keeping; 4 CSR 140-11.040; 2/18/03, 7/1/03

GAMING COMMISSION, MISSOURI

disciplinary action; 11 CSR 45-13.050; 8/1/03
 hearings; 11 CSR 45-13.010; 8/1/03

bingo hearings; 11 CSR 45-13.051; 8/1/03
 gaming applicants; 11 CSR 45-13.045; 8/1/03
 officer; 11 CSR 45-13.020; 8/1/03
 proceedings; 11 CSR 45-13.060; 8/1/03
 prohibition on ex parte communications; 11 CSR 45-13.080;
 8/1/03

request for hearings; 11 CSR 45-13.030; 8/1/03
 transmittal of record; 11 CSR 45-13.070; 8/1/03

minimum internal control standards; 11 CSR 45-9.030; 6/16/03
 misconduct, duty to report and prevent; 11 CSR 45-10.030; 4/1/03,
 8/15/03

occupational license; 11 CSR 45-4.260; 1/2/03

records; 11 CSR 45-3.010; 3/3/03, 7/15/03
 slot machines; 11 CSR 45-5.200; 3/3/03, 7/15/03

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

application; 4 CSR 145-1.030; 5/1/03, 8/15/03
 post-baccalaureate experience; 4 CSR 145-2.030; 5/1/03, 8/15/03
 seal, registered; 4 CSR 145-2.100; 5/1/03, 8/15/03

HAZARDOUS WASTE MANAGEMENT COMMISSION

fees and taxes; 10 CSR 25-12.010; 5/1/03

HEALING ARTS, BOARD OF REGISTRATION FOR

fees, 4 CSR 150-2.080; 9/2/03

HEALTH MAINTENANCE ORGANIZATIONS

definitions; 19 CSR 10-5.010; 10/15/03

HEARING INSTRUMENT SPECIALISTS

license renewal; 4 CSR 165-2.060; 5/1/03, 8/15/03
 licensure by exam; 4 CSR 165-2.030; 5/1/03, 8/15/03
 temporary permits; 4 CSR 165-2.010; 5/1/03, 8/15/03

HIGHER EDUCATION, DEPARTMENT OF

community junior college districts; 6 CSR 10-6.010; 5/15/03,
 9/2/03

HIGHWAYS AND TRANSPORTATION COMMISSION

motor carriers operations

 skill performance certificates; 7 CSR 10-25.010; 7/1/03
 outdoor advertising

 beyond 600 feet of right-of-way; 7 CSR 10-6.050; 5/15/03,
 10/15/03

 definitions; 7 CSR 10-6.015; 5/15/03, 10/15/03

 information; 7 CSR 10-6.010; 5/15/03, 10/15/03

 judicial review; 7 CSR 10-6.100; 5/15/03, 10/15/03

 permits; 7 CSR 10-6.070; 5/15/03, 10/15/03

 removal; 7 CSR 10-6.080; 5/15/03, 10/15/03

 review of notices; 7 CSR 10-6.090; 5/15/03, 10/15/03
 signs

 directional; 7 CSR 10-6.020; 5/15/03, 10/15/03

 nonconforming; 7 CSR 10-6.060; 5/15/03, 10/15/03

 on-premises; 7 CSR 10-6.030; 5/15/03, 10/15/03

 vegetation, cutting and trimming; 7 CSR 10-6.085; 5/15/03,
 10/15/03

 zoned areas; 7 CSR 10-6.040; 5/15/03, 10/15/03

traffic generators; 7 CSR 10-17.010; 9/15/03

utility and private line utility facilities

 relocation costs; 7 CSR 10-3.040; 7/1/03

HOSPITAL AND AMBULATORY SURGICAL CENTERS

electronic reporting of patient abstract data; 19 CSR 10-33.040;
 7/15/03

INSURANCE, DEPARTMENT OF

commercial inland marine; 20 CSR 500-1.210; 12/2/02, 6/2/03
 continuing education; 20 CSR 700-3.200; 10/1/03
 financial statement, diskette filing; 20 CSR 200-1.030; 10/1/03
 long-term care; 20 CSR 400-4.100; 4/15/03, 10/1/03

market conduct examinations; 20 CSR 300-2.200; 6/16/03
medical malpractice award; 20 CSR; 3/1/01, 3/1/02, 3/3/03
mortgage guaranty, definitions; 20 CSR 500-10.100; 12/2/02,
6/2/03
provider selection standards; 20 CSR 400-7.200; 10/1/03
records, market conduct exam; 20 CSR 300-2.200; 3/3/03, 6/16/03
settlements, standards; 20 CSR 100-1.060; 12/16/02
sovereign immunity limits; 20 CSR; 1/2/02, 12/16/02
who must file; 20 CSR 200-10.100; 10/1/03
workers' compensation; 20 CSR 500-6.960; 12/2/02; 6/2/03
valuation of invested assets; 20 CSR 200-1.025; 10/1/03

INTERPRETERS, STATE COMMITTEE OF principles, general; 4 CSR 232-3.010; 10/15/03

LAND SURVEY

surveys, standards for property boundary
accuracy standards for property boundaries; 10 CSR 30-
2.040; 5/1/03, 9/2/03
condominium surveys; 10 CSR 30-2.100; 5/1/03, 9/2/03
definitions; 10 CSR 30-2.020; 5/1/03, 9/2/03
land surveying requirements; 10 CSR 30-2.030; 5/1/03,
9/2/03
monumentation, approved; 10 CSR 30-2.060; 5/1/03, 9/2/03
original surveys; 10 CSR 30-2.080; 5/1/03, 9/2/03
resurveys; 10 CSR 30-2.070; 5/1/03, 9/2/03
subdivision surveys; 10 CSR 30-2.090; 5/1/03, 9/2/03

LEAD PROGRAM

lead poisoning; 19 CSR 20-8.030; 3/3/03, 6/16/03

LIBRARY, STATE

computers, public access, filtering; 15 CSR 30-200.030; 12/2/02,
3/17/03

LONG TERM CARE, NURSING FACILITIES

administration, resident care requirements
intermediate care, skill nursing facilities; 19 CSR 30-85.042;
10/15/03
residential care facilities I and II; 19 CSR 30-86.042;
10/15/03
definitions; 19 CSR 30-83.010; 10/15/03
nursing facility quality of care improvement program; 19 CSR 30-
82.080; 10/15/03
receiverships; 19 CSR 30-82.015; 10/15/03

MEDICAID

dental program; 13 CSR 70-35.010; 7/15/02, 8/15/02, 1/2/03,
3/3/03
federal reimbursement allowance; 13 CSR 70-15.110; 6/2/03,
10/1/03, 10/15/03
optical care benefits; 13 CSR 70-40.010; 3/3/03, 4/1/03, 9/2/03
recipient payments; 13 CSR 70-4.040; 6/2/03, 10/1/03
specialty hospitals; 13 CSR 70-15.010; 3/17/03, 7/1/03

MEDICAL SERVICES, DIVISION OF

payment of claims, Medicare Part B; 13 CSR 70-3.065; 2/18/03
privacy, information; 13 CSR 70-1.020; 3/3/03, 8/1/03
psychiatric/psychology/counseling/clinical social work program;
13 CSR 70-98.010; 6/16/03

Title XIX recipient lock-in program; 13 CSR 70-4.070; 9/2/03

MENTAL HEALTH, DEPARTMENT OF

alcohol and drug abuse programs
certification; 9 CSR 30-3.032; 5/1/03, 9/2/03
opioid treatment program; 9 CSR 30-3.132; 8/1/03
certification; 9 CSR 10-7.130; 4/1/03, 8/15/03
complaints of abuse, neglect; 9 CSR 10-5.200; 10/15/02, 6/16/03
fire safety
definitions; 9 CSR 45-5.105; 10/15/03

on-site day habilitation; 9 CSR 45-5.110; 10/15/03
residential habilitation for
4-9 people; 9 CSR 45-5.130; 10/15/03
10-16 people; 9 CSR 45-5.140; 10/15/03
17 or more people; 9 CSR 45-5.150; 10/15/03
fiscal management
definitions; 9 CSR 25-2.005; 8/1/03
purchasing client services; 9 CSR 25-2.105; 8/1/03
request for proposal
development; 9 CSR 25-2.205; 8/1/03
evaluation and award; 9 CSR 25-2.405; 8/1/03
solicitation procedures; 9 CSR 25-2.305; 8/1/03
mental retardation and developmental disabilities
certification; 9 CSR 45-5.060; 5/1/03, 9/2/03
psychiatric and substance abuse programs
governing authority and administration; 9 CSR 10-7.090;
5/1/03, 9/2/03

Privacy Rule; 9 CSR 10-5.220; 5/1/03, 9/2/03
purchasing client services; 9 CSR 25-2.105; 11/1/02, 4/1/03
rules under consideration; 9 CSR 45-5; 7/15/03
SATOP
fees, supplemental; 9 CSR 30-3.208; 9/2/03
program structure; 9 CSR 30-3.206; 9/2/03

MILK BOARD, STATE

inspection fees; 2 CSR 80-5.010; 4/1/03, 7/15/03

MOTOR VEHICLE

application for title; 12 CSR 10-23.446; 8/1/03, 9/2/03
dealer monthly reports; 12 CSR 10-23.050, 12 CSR 10-26.190;
8/1/03
documents accepted as a release of lien; 12 CSR 10-23.458; 8/1/03
historic vehicle license; 12 CSR 10-23.444; 8/1/03
marking, use of commercial plates; 12 CSR 10-23.300; 8/1/03
marine application; 12 CSR 10-23.456; 7/1/03
notice of lien; 12 CSR 10-23.446; 5/15/03
power of attorney requirements; 12 CSR 10-23.420; 8/1/03
recreational vehicles, certificate of title, 2 manufacturers; 12 CSR
10-23.370; 8/1/03
registration, motorcycles, motortricycles; 12 CSR 10-23.330;
8/1/03
temporary permits; 12 CSR 10-26.180; 6/16/03, 10/15/03

MOTOR VEHICLE INSPECTION

brake components; 11 CSR 50-2.160; 10/15/03
definitions; 11 CSR 50-2.010; 10/15/03
glazing (glass); 11 CSR 50-2.270; 10/15/03
homemade trailers; 11 CSR 50-2.430; 4/1/03, 7/1/03
inspection station
permits; 11 CSR 50-2.050; 10/15/03
requirements; 11 CSR 50-2.020; 10/15/03
off-highway use vehicles (ATV-OHV); 11 CSR 50-2.340; 10/15/03
school bus inspection; 11 CSR 50-2.320; 10/15/03
steering mechanisms; 11 CSR 50-2.200; 10/15/03
vehicle identification, odometer reading; 11 CSR 50-2.440;
4/1/03, 7/1/03

NEWBORN SCREENING HEARING PROGRAM

methodologies and procedures; 19 CSR 40-9.020; 3/3/03, 6/16/03

NURSING HOME ADMINISTRATORS, BOARD OF

complaints, public; 19 CSR 73-2.085; 3/3/03, 7/1/03
course of instruction; 19 CSR 73-2.031; 3/3/03, 7/1/03
disciplinary action; 19 CSR 73-2.090; 3/3/03, 7/1/03
fees; 19 CSR 73-2.015; 3/3/03, 7/1/03
licensure; 19 CSR 73-2.020; 3/3/03, 7/1/03
by reciprocity; 19 CSR 73-2.025; 3/3/03, 7/1/03
organization; 19 CSR 73-1.010; 3/3/03, 7/1/03
renewal of license; 19 CSR 73-2.050; 3/3/03, 7/1/03
expired; 19 CSR 73-2.055; 3/3/03, 7/1/03

standards of professional conduct; 19 CSR 73-2.095; 3/3/03, 7/1/03
 status, retired licensure; 19 CSR 73-2.051; 3/3/03, 7/1/03
 temporary emergency license; 19 CSR 73-2.080; 3/3/03, 7/1/03
 training agencies, registration; 19 CSR 73-2.060; 3/3/03, 7/1/03

NURSING, STATE BOARD OF

advanced practice nurse; 4 CSR 200-4.100; 7/15/03
 fees; 4 CSR 200-4.010; 3/17/03, 7/1/03
 graduate temporary permit; 4 CSR 200-4.021; 7/15/03

ORGANIC PROGRAM

advisory board; 2 CSR 70-16.020; 2/18/03, 7/1/03
 certificates issued; 2 CSR 70-16.050; 2/18/03, 7/1/03
 certifying agent; 2 CSR 70-16.075; 2/18/03, 7/1/03
 complaints, investigations; 2 CSR 70-16.040; 2/18/03, 7/1/03
 compliance enforcement; 2 CSR 70-16.045; 2/18/03, 7/1/03
 definitions; 2 CSR 70-16.010; 2/18/03, 7/1/03
 inspections, sampling
 certification; 2 CSR 70-16.035; 2/18/03, 7/1/03
 registration; 2 CSR 70-16.065; 2/18/03, 7/1/03
 marketing; 2 CSR 70-16.070; 2/18/03, 7/1/03
 NOP standards; 2 CSR 70-16.015; 2/18/03, 7/1/03
 procedures, certification; 2 CSR 70-16.025; 2/18/03, 7/1/03
 records; 2 CSR 70-16.030; 2/18/03, 7/1/03
 registration; 2 CSR 70-16.060; 2/18/03, 7/1/03
 seal; 2 CSR 70-16.055; 2/18/03, 7/1/03

PAYROLL DEDUCTIONS, STATE OF MISSOURI, VENDOR dues, labor organizations; 1 CSR 10-4.010; 9/15/03

PEACE OFFICER STANDARDS AND TRAINING (POST) PROGRAM

basic training curricula, objectives; 11 CSR 75-14.030; 6/2/03, 9/15/03
 cause to discipline; 11 CSR 75-13.090; 10/15/03
 instructors
 basic requirements; 11 CSR 75-14.080; 6/2/03, 9/15/03
 peace officer licenses
 classification; 11 CSR 75-13.010; 6/2/03, 9/15/03
 notification of change in status; 11 CSR 75-13.100; 6/3/02, 9/3/02

PERSONNEL ADVISORY BOARD

broad classification for bands of managers; 1 CSR 20-2.015; 9/15/03
 leaves of absence; 1 CSR 20-5.020; 9/15/03
 separation, suspension, demotion; 1 CSR 20-3.070; 9/15/03

PHARMACY PROGRAM

reimbursement allowance; 13 CSR 70-20.320; 3/3/03, 7/1/03
 sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03, 6/16/03

PHARMACY, STATE BOARD OF

automated dispensing, storage system; 4 CSR 220-2.900; 3/17/03, 8/15/03
 compounding standards; 4 CSR 220-2.400; 1/2/03, 6/16/03
 drug distributor; 4 CSR 220-5.020; 7/1/03
 drug repackaging; 4 CSR 220-2.130; 3/3/03, 7/1/03
 standards of operation; 4 CSR 220-2.010; 8/1/02, 3/17/03, 8/15/03
 sterile pharmaceuticals; 4 CSR 220-2.200; 1/2/03, 6/16/03

PHYSICAL THERAPISTS/ASSISTANTS

fees; 4 CSR 150-3.080; 7/15/03
 licensure fees; 4 CSR 150-3.170; 7/15/03

PROFESSIONAL REGISTRATION, DIVISION OF designation of license renewal dates; 4 CSR 231-2.010; 7/15/03

PSYCHOLOGISTS, STATE COMMITTEE OF fees; 4 CSR 235-1.020; 3/17/03, 7/1/03

PUBLIC DRINKING WATER PROGRAM

abatement orders; 10 CSR 60-6.050; 4/15/03, 10/15/03
 analysis, procedures; 10 CSR 60-5.010; 5/15/03
 contaminant levels
 disinfection by-products; 10 CSR 60-4.090; 4/15/03, 10/15/03
 inorganic chemicals; 10 CSR 60-4.030; 4/15/03, 10/15/03
 maximum; 10 CSR 60-4.010; 5/15/03
 microbiological; 10 CSR 60-4.020; 4/15/03, 10/15/03
 secondary; 10 CSR 60-4.070; 4/15/03, 10/15/03
 synthetic organic chemicals; 10 CSR 60-4.040; 4/15/03, 10/15/03
 turbidity and backwash recycling; 10 CSR 60-4.050; 4/15/03, 10/15/03
 volatile organic chemicals; 10 CSR 60-4.100; 4/15/03, 10/15/03
 definitions; 10 CSR 60-2.015; 4/15/03, 10/15/03
 disinfection requirements; 10 CSR 60-4.055; 4/15/03, 10/15/03
 notification, public; 10 CSR 60-8.010; 4/15/03, 10/15/03
 records, requirements for maintaining; 10 CSR 60-9.010; 4/15/03, 10/15/03
 reporting requirements; 10 CSR 60-7.010; 4/15/03, 10/15/03
 reports, consumer confidence; 10 CSR 60-8.030; 4/15/03, 10/15/03

PUBLIC SERVICE COMMISSION

discontinuance of service; 4 CSR 240-33.070; 12/2/02, 6/2/03
 electric utilities
 cogeneration tariff filings; 4 CSR 240-3.155; 9/2/03
 cold weather report, submission; 4 CSR 240-3.180; 9/16/02, 3/3/03, 6/2/03
 net metering; 4 CSR 240-20.065; 4/15/03, 7/15/03
 gas utilities
 cold weather report, submission; 4 CSR 240-3.250; 9/16/02, 3/3/03, 6/2/03
 natural gas price volatility mitigation; 4 CSR 240-40.018; 6/2/03
 manufactured homes
 inspection fee; 4 CSR 240-120.140; 2/18/03, 3/17/03, 6/16/03
 modular units; 4 CSR 240-123.095; 6/2/03, 8/15/03
 new; 4 CSR 240-120.085; 6/2/03, 8/15/03
 pre-owned; 4 CSR 240-121.065; 6/2/03, 8/15/03
 seals; 4 CSR 240-123.030; 2/18/03, 6/16/03
 Missouri Universal Service Fund
 assessments for funding; 4 CSR 240-31.060; 12/2/02, 6/2/03
 collection of surcharge from end-user subscribers; 4 CSR 240-31.065; 12/2/02, 6/2/03
 definitions; 4 CSR 240-31.010; 12/2/02, 6/2/03
 eligibility for funding; 4 CSR 240-31.050; 12/2/02, 6/2/03

REAL ESTATE COMMISSION

license examinations; 4 CSR 250-3.020; 10/15/03
 requirements; 4 CSR 250-10.010; 10/15/03
 retention of records; 4 CSR 250-8.160; 10/15/03

RECORDS MANAGEMENT

administration; 15 CSR 30-45.030; 3/3/03, 6/16/03

RETIREMENT SYSTEMS

county employees' deferred compensation plan
 limitations on deferral; 16 CSR 50-20.050; 10/1/03
 participation in the plan; 16 CSR 50-20.030; 10/1/03
 county employees' defined contribution plan
 benefits, normal retirement; 16 CSR 50-2.090; 1/16/03, 5/1/03
 employee contributions; 16 CSR 50-2.020; 1/16/03, 5/1/03

normal retirement benefit; 16 CSR 50-2.090; 6/2/03, 9/15/03
payment of benefits; 16 CSR 50-2.035; 6/2/03, 9/15/03
non-teacher school employee retirement
employment; 16 CSR 10-6.010; 10/1/03
reinstatement, credit purchases; 16 CSR 10-6.045; 10/1/03
service retirement; 16 CSR 10-6.060; 10/1/03
organization; 16 CSR 10-1.010; 3/17/03, 7/1/03
public school retirement
membership requirements; 16 CSR 10-4.005; 10/1/03
payment for reinstatement, credit purchases; 16 CSR 10-4.012; 10/1/03
reinstatement, credit purchases; 16 CSR 10-4.014; 10/1/03
service retirement; 16 CSR 10-5.010; 10/1/03

SECRETARY OF STATE

business services
redaction of Social Security numbers and birth dates;
15 CSR 30-80.010; 5/15/03, 9/2/03

SECURITIES, DIVISION OF

application
renewal, sales representative; 15 CSR 30-59.060; 3/17/03,
7/15/03
registration; 15 CSR 30-52.015; 10/1/03
registration or notice filings; 15 CSR 30-51.020; 3/17/03,
7/15/03, 10/1/03
bank, savings institution, trust company; 15 CSR 30-
54.030; 10/1/03
bonds, broker-dealer, sales representative; 15 CSR 30-59.050;
3/17/03, 7/15/03
compensation arrangements
investment advisors; 15 CSR 30-51.145; 10/1/03
completion; 15 CSR 30-52.310; 10/1/02, 1/16/03, 2/18/03
confirmations; 15 CSR 51.110; 10/1/03
custody of securities or funds; 15 CSR 30-51.100; 10/1/03
debt securities; 15 CSR 30-52.120; 10/1/03
definitions; 15 CSR 30-50.010; 10/1/03
examination requirements; 15 CSR 30-51.030; 10/1/03
exemptions
15 transactions in 12 months; 15 CSR 30-54.140; 10/1/03
accredited investor; 15 CSR 30-54.215; 10/1/03
agricultural cooperative association; 15 CSR 30-54.190;
10/1/03
Canadian-U.S. cross-border trading; 15 CSR 30-54.290;
10/1/03
first 25 persons; 15 CSR 30-54.130; 10/1/03
foreign issuer; 15 CSR 30-54.260; 10/1/03
general; 15 CSR 30-54.010; 3/17/03, 7/15/03
institutional buyer; 15 CSR 30-54.125; 10/1/03
limited offering; 15 CSR 30-54.130; 10/1/03
manual; 15 CSR 30-54.100; 10/1/03
Missouri qualified fund; 15 CSR 30-54.250; 10/1/03
mortgage note; 15 CSR 30-54.120; 10/1/03
new generation processing entity; 15 CSR 30-54.190;
10/1/03
notice filing for transactions under Regulation D; 15 CSR 30-
54.210; 10/1/03
not-for-profit securities; 15 CSR 30-54.070; 3/17/03, 7/15/03
offers to existing security holders; 15 CSR 30-54.160; 10/1/03
preeffective offer; 15 CSR 30-54.170; 10/1/03
reporting company securities; 15 CSR 30-54.183; 10/1/03
stock exchange listed securities; 15 CSR 30-54.060; 3/17/03,
7/15/03
transactions, quotation systems; 15 CSR 30-54.220; 3/17/03,
7/15/03, 10/1/03
transactions, Regulation D; 15 CSR 30-54.210; 3/17/03,
7/15/03
unsolicited order to buy; 15 CSR 30-54.110; 10/1/03
fees; 15 CSR 30-50.030; 10/1/03

financial statements; 15 CSR 30-51.040, 15 CSR 30-52.025;
10/1/03
forms; 15 CSR 30-50.040; 10/1/03
fraudulent practices
broker-dealers, agents; 15 CSR 30-51.169; 10/1/03
general; 15 CSR 30-54.010; 10/1/03
government issued or guaranteed securities; 15 CSR 30-54.020;
10/1/03
hearings under Securities Act
answers and supplementary pleadings; 15 CSR 30-55.030;
10/1/03
discovery; 15 CSR 30-55.080; 10/1/03
instituting hearing before commissioner; 15 CSR 30-55.020;
10/1/03
motions, suggestions, legal briefs; 15 CSR 30-55.110; 10/1/03
notice of; 15 CSR 30-55.040; 10/1/03
officers; 15 CSR 30-55.220; 10/1/03
prehearing conferences; 15 CSR 30-55.050; 10/1/03
prehearing procedures; 15 CSR 30-55.025; 10/1/03
procedure at hearing; 15 CSR 30-55.090; 10/1/03
public hearing; 15 CSR 30-55.060; 10/1/03
record of hearing; 15 CSR 30-55.070; 10/1/03
subpoenas; 15 CSR 30-55.100; 10/1/03
who may request; 15 CSR 30-55.010; 10/1/03
impoundments of proceeds; 15 CSR 30-52.100; 10/1/03
instructions, general; 15 CSR 30-59.020; 3/17/03, 7/15/03
15 CSR 30-50.020, 15 CSR 51.010; 10/1/03
investment advisors
minimum net worth requirements; 15 CSR 30-51.070; 10/1/03
investment letter, suggested form; 15 CSR 30-54.150; 10/1/03
mortgage revenue bonds; 15 CSR 30-52.340; 10/1/03
NASAA statement of policy; 15 CSR 30-52.030; 10/1/03
exemptions; 15 CSR 30-54.070; 10/1/03
net capital deficiency; 15 CSR 30-51.060; 10/1/03
net capital requirements; 15 CSR 30-51.050; 10/1/03
networking arrangements; 15 CSR 30-51.165; 10/1/03
notice filings
investment companies; 15 CSR 30-54.015; 3/17/03, 7/15/03,
10/1/03
offer of refund; 15 CSR 30-52.200; 10/1/03
suggested form of (rescission); 15 CSR 30-52.260; 10/1/03
prospectus; 15 CSR 30-52.020; 10/1/03
promotional materials; 15 CSR 30-53.010; 10/1/03
provisions, general; 15 CSR 30-52.010; 10/1/03
records required
broker-dealers; 15 CSR 51.120; 10/1/03
investment advisors; 15 CSR 51.140; 10/1/03
records to be preserved by
broker-dealers; 15 CSR 51.130; 10/1/03
investment advisors; 15 CSR 30-51.150; 10/1/03
issuers; 15 CSR 30-52.330; 10/1/03
registration
denial, revocation, suspension; 15 CSR 30-51.170; 10/1/03
exemptions from; 15 CSR 30-51.180; 10/1/03
withdrawal of; 15 CSR 30-52.280; 10/1/03
registration statement
annual report; 15 CSR 30-52.320; 10/1/03
post-effective amendments; 15 CSR 30-52.300; 10/1/03
report of completion; 15 CSR 30-52.310; 10/1/03
requirements; 15 CSR 30-51.160; 10/1/02, 1/16/03, 10/1/03;
15 CSR 30-59.170; 3/17/03, 7/15/03
securities
bank, savings institution, trust company; 15 CSR 30-
54.030; 10/1/03
commercial paper; 15 CSR 30-54.080; 10/1/03
employees' benefit plan; 15 CSR 30-54.090; 10/1/03
federal savings, loan association, state building and loan;
15 CSR 30-54.040; 10/1/03
not-for-profit; 15 CSR 30-54.070; 10/1/03

railroad, common carrier, public utility, holding company;
15 CSR 30-54.050; 10/1/03
segregation of accounts; 15 CSR 30-51.090; 10/1/03
small company offering registrations; 15 CSR 30-52.275; 10/1/03
stock exchange listed securities; 15 CSR 30-54.060; 10/1/03

SENIOR SERVICES, DIVISION OF

funding formula; 19 CSR 15-4.050; 5/1/03, 8/15/03
state long-term care ombudsman program; 19 CSR 15-4.060;
10/15/03

SOIL AND WATER DISTRICTS COMMISSION

state-funded cost-share program
cost share rates; 10 CSR 70-5.040; 8/1/03

TATTOOING, BODY PIERCING AND BRANDING

practitioners, temporary; 4 CSR 267-4.020; 5/15/03

TAX, SALES/USE

caterers, mandatory gratuities; 12 CSR 10-3.046; 8/1/03
confidential tax data; 12 CSR 10-3.486; 8/1/03
farm machinery; 12 CSR 10-110.900; 5/1/03, 9/15/03
fees paid in or to places of amusement; 12 CSR 10-3.176; 8/1/03
food stamps, WIC vouchers; 12 CSR 10-3.120; 8/1/03
lien releases, payment of filing fees; 12 CSR 10-3.836; 8/1/03
manufacturing equipment; 12 CSR 10-111.010; 5/1/03, 9/15/03
sales by employers to employees; 12 CSR 10-3.036; 8/1/03
tax liens; 12 CSR 10-3.838; 8/1/03

UNEMPLOYMENT INSURANCE

charging benefits to employers; 8 CSR 10-3.085; 10/1/03
direct deposit, benefits; 8 CSR 10-3.130; 5/15/03, 9/2/03
registration, claims; 8 CSR 10-3.010; 3/17/03, 7/1/03

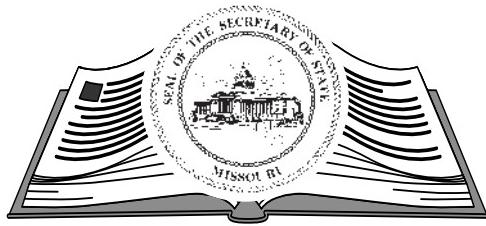
VETERINARY MEDICAL BOARD, MISSOURI

application; 4 CSR 270-1.031; 5/1/03, 8/15/03
complaint handling; 4 CSR 270-7.010; 5/1/03, 8/15/03
education, continuing; 4 CSR 270-4.042; 5/1/03, 8/15/03
fees; 4 CSR 270-1.021; 5/1/03, 8/15/03
licensure (exemption); 4 CSR 270-2.051; 5/1/03, 8/15/03
practice techniques, standards; 4 CSR 270-4.031; 5/1/03, 8/15/03
supervision, standards; 4 CSR 270-4.060; 5/1/03, 8/15/03

WORKERS COMPENSATION

review of awards, orders by ALJs; 8 CSR 20-3.030; 2/18/03,
7/1/03

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